

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2139 of 2015

IN

Civil Writ Jurisdiction Case No. 8886 of 2015

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Bhupendra Prasad Yadav, S/o Late Bhola Prasad Yadav, resident of village - Belaukhara, P.S. Pipra, District - Supaul & Lecturer, Hindi Department, Degree College, Supaul at Present a Member of Adhoc Committee, Degree College, Supaul as Professor Incharge.

.... Respondent No.4-Appellant

Versus

1. Governing Body, Degree College, Supaul, Laloo Nagar, Madhepura, Bihar, Duly Constituted under Section 60 of the Bihar University Act, 1976 and the relevant Statute through its Secretary
2. Dr. Ram Prasad Yadav S/o Late Bhaiya Lal Yadav resident of Mohalla - Lohianagar, Ward No. 9, P.O. Supaul, District - Supaul at Present Secretary of the Governing Body, Degree College, Supaul.

Petitioners/ Respondents 1st Set.

3. B.N. Mandal University, Madhepura, through its Registrar
4. The Vice - Chancellor, B.N. Mandal University, Madhepura
5. The Registrar, B.N. Mandal University, Madhepura

Respondents/ respondents 2nd Set.

6. Anirudh Prasad Yadav, M.L.A., Nirmali, Supaul, at Present a Member of Adhoc Committee, Degree College, Supaul, as Public Representative.
7. Dr. Yogendra Prasad Yadav, Associate Professor, Department of Chemistry, T.P. College, Madhepura at Present a Member of Ad hoc Committee, Degree College, Supaul, as University Representative.
8. Sub- Divisional Officer, Supaul, at Present a Member of the Ad hoc Committee, Degree College, Supaul, as Administrative Officer.

.... Respondents/ Respondents 3rd Set.

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Appearance :

For the Appellant : Mr. Suneil Kumar Thakur, Advocate

For the Respondent Nos.3 to 4 : Mr. M. K. Ray, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 10-02-2016

Heard Mr. S. K. Thakur, learned Counsel, appearing
for the appellant, and Mr. M. K. Rai, learned Counsel, appearing for
the respondent Nos.3 to 5.

This Letters Patent Appeal is preferred against the



judgment, dated 01.10.2015, whereby the writ petition, bearing CWJC No.8886 of 2015, made under Article 226 of the Constitution of India, has been allowed by quashing the notification, dated 25.04.2015 (Annexure-13 to the writ application), whereby B. N. Mandal University (hereinafter referred to as 'the respondent-University') had, dissolved the governing body of Degree College, Supaul, and created thereunder an *ad hoc* five- member Committee and, thereafter, another notification, dated 08.05.2015 (Annexure-13/A to the writ application) was issued, whereby *ad hoc* Committee was reduced to a four-member Committee.

Aggrieved by the impugned notifications aforementioned, the office-bearers and members of the governing body of said College sought, with the help of the writ petition aforementioned, for quashing of the said notifications.

By the order under appeal, the learned single Judge took the view that the dissolution of the regular governing body and constitution of the *ad hoc* Committee were wholly illegal inasmuch as the provisions, embodied in Section 60 of the Bihar Universities Act, 1976 (hereinafter referred to as 'the Act') as well as Statute 32 thereof, had not been followed and, more particularly, no notice was given to the regular governing body before the decision to dissolve the governing body was taken nor was any reason assigned by the

respondent-University before reconstitution was effected under the impugned notification.

We do not find any infirmity, legal or factual, in the order under appeal. We are, therefore, not inclined to interfere with the order under appeal except observing that the respondent-University shall constitute a regular governing body for the said College within a period of eight weeks from the date of receipt/production of a copy of the order if the respondent University, upon giving notice to the regular governing body, decides to supersede the earlier regular governing body and replace the same by a newly constituted body in accordance with law.

Before parting with this appeal, we may point out that in terms of Section 65 of the Act, the regular governing body would continue to function even if there is existence of a vacancy or vacancies among its members. Thus, in the interim period, the regular governing body, which had been dissolved by the impugned notifications, shall be allowed to function.

With the observations and directions aforementioned, this appeal stands disposed of.

(I. A. Ansari, ACJ)

(Hemant Gupta, J)

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