

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6252 of 2015

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1. Rajendra Prasad Singh. Son of Late Ram Rekha Singh.
 2. Sahdeo Singh. Son of Late Ram Chandra Singh. Both Resident of Karath, P.O.- Karath, P.S.- Tarari, District - Bhojpur.
 3. Lalan Singh. Son of Late Rajendra Singh. Resident of and P.O.- Jaipur, P.S.- Sasaram (M) District - Rohtas.
 4. Bhaiyalal Son Sah. Son of Chandrika Prasad Sah. Resident of Village and P.O.- Khiriaon, P.S.- Nasariganj, District - Rohtash.
 5. Baban Singh. Son of Late Ishwar Dayal Singh. Resident of Village - Karath, P.O.- Karath, P.S.- Tarari, District - Bhojpur.
 6. Akshay Kumar Singh. Son of Late Jagarnath Singh. Resident of Village - Bakari, P.O.- Phesar, P.S.- Aurangabad (M), District - Aurangabad.
 7. Shiv Narayan Singh. Son of Sri Ganga Singh. Resident of Village - Karath, P.O.- Karath, P.S.- Tarari, District - Bhojpur.
 8. Ramesh Kumar Sharma @ Ramesh Sharma. Son of Late Kakhichand Sharma. Resident of Village - Dewaria, P.O.- Pahleja, P.S.- Ankorhi, Gola, District - Rohtash.
 9. Awadhesh Singh. Son of Sri Rajmuni Singh. Resident of Village - Dewaria, P.O.- Pahleja, P.S.- Ankorhi, Gola, District - Rohtash.
 10. Baliram Singh. Son of Sri Kekha Singh. Resident of Village and P.O.- Khiriaon, P.S.- Nasariganj, District - Rohtash.
 11. Ayodhya Shah. Son of Sri Janaki Sah. Resident of Village and P.O.- Panjar, P.S.- Kargahar, District - Rohtash.
 12. Awadhesh Kumar Singh @ Awadesh Singh. Son of Sri Shankar Singh. Resident of Village - Bishun Bigha, P.O. and P.S.- Ankorhi Gola, District - Rohtash.
 13. Bhaiya Ram Singh. Son of Sri Bakhora Singh. Resident of Village - Alinagar, P.O.- Maharajganj (Tilauthu) P.S.- Tilauthu, District - Rohtash.
 14. Bhikhari Singh. Son of Sri Banshi Singh. Resident of Village - Hurka, P.S.- Darihat, District - Rohtash.
 15. Lalit Kumar Pandey. Son of Late Rangnath Pandey. Resident of Village - Badihan, P.O.- Shankarpur, P.S.- Indrapuri, District - Rohtash.
 16. Kedar Singh. Son of Late Chana Singh. Resident of Village and P.O.- Panchapokhari, P.S.- Nakha (Baghaila) District - Rohtash.
 17. Bindeshwari Singh. Son of Late Haribansh Singh. Resident of Village and P.O.- Panchapokhari, P.S.- Nokha (Baghaila) District - Rohtash.
 18. Gobind Rai. Son of Late Ayodhya Rai. Resident of Village and P.O.- Panchapokhari, P.S.- Nokha (Baghaila) District - Rohtash.

.... Petitioners

Versus

1. The State of Bihar Through its Secretary, Human Resources Development Department Govt. of Bihar, Patna.
2. The Vice Chancellor, Veer Kunwar Singh University, Ara.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Sub-Divisional Officer, Dehari who is the President cum Secretary Ad-hoc d committee of Jag Jivan College, Dehari-on-Sone, P.S.- Dehari, District - Rohtas.
5. The Public Representative Ad-hoc committee Jag Jivan College, Dehari-On-Sone, P.S.- Dehari, District - Rohtash.
6. The University Representative Jag Jivan College, Dehari-On-Sone, P.S.- Dehari, District - Rohtas.
7. The Donar Members, Ad-hoc Committee Jag Jivan College, Dehari On-Sone

P.S.- Dehari, District - Rohtas.

8. Principal In-Charge Jag Jivan College Dehari On-Sone, Rohtash.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Aditya Narain Singh, Advocate Mr. Binod Kumar Singh, Advocate Ranvijay Narain Singh, Advocate Dharmendra Kumar Singh, Advocate
For the State	:	Mr. Prabhakar Jha, G.P.27
For the University	:	Mr. Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-07-2016

Constitution of a three member committee earlier by the university was a fall out of a judicial order and direction passed by a learned Single Judge, a copy of which is Annexure-2 to the writ application. After the three member committee went into the matter extensively and submitted a report even without looking into the report or the reason for rejecting the report, a five member committee has been constituted contained in Annexure-1, dated 12.01.2013.

2. It is this order contained in Annexure-1, dated 12.01.2013, which is under challenge in the present writ application.

3. Submission of the counsel for the petitioners is that there was no occasion to issue the notification contained in Annexure-1 because the notification does not indicate any reason why the three member committee report was rejected outright and the reason for constitution of a five member committee was necessitated. If any decision is taken within the public domain, that too in the capacity of holder of a public post, the decision has to satisfy the requirements of Article 14 of the Constitution of India.

4. From perusal of the materials, it is evident that certain

people at the helms of affairs of the college did not feel happy and comfortable enough with the findings which had emerged in the three member committee report. Some of them, therefore, were influential enough to approach the Vice-Chancellor of the university to overcome the embarrassment of those findings and in haste Annexure-1 came to be issued.

5. Despite affidavit having been filed on behalf of the university, the mystery behind issuance of Annexure-1 and the necessity for doing so in a hurry does not satisfactorily emerge.

6. Even otherwise when a decision is taken within the public domain, the decision must speak for itself and should be capable enough to stand any rational scrutiny of the decision so taken. It cannot be a case that somebody is vested with the power and, therefore, it can be exercised in any manner whatsoever. Power must be exercised with rationality and objectivity.

7. In totality, therefore, the Court feels that the decision of the university contained in Annexure-1 was uncalled for and unjustified. Annexure-1, therefore, is quashed.

8. Writ application is allowed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	29.07.2016
Transmission Date	