

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15179 of 2015

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Rana Gangeshwar Singh, son of Late Rana Janardan Singh, resident of Village-
Raspur Palasia, Police Station- Mohaddinagar, District- Samastipur.

.... Petitioner

Versus

1. The L. N. Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
2. The Vice-Chancellor, L. N. Mithila University, Kameshwar Nagar, Darbhanga.
3. The Registrar, L. N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Sub-Divisional Officer, Samastipur-Cum-Convener, Ad-hoc Committee, Sant Kabir College, Samastipur.
5. Sri Ram Chandra Paswan, father's name not known, Member of Parliament, Samastipur Parliamentary Constituency and Member of the Ad-hoc Committee, Sant Kabir College, Samastipur through its Convener-Sub-Divisional Officer, Samastipur.
6. Dr. Bhola Chaurasia, father's name not known, Professor, R.N.A.R. College, Samastipur, P.O. + P.S. & District- Samastipur.
7. Dr. Anil Kumar Singh, father's name not known, Senate Member, L.N. Mithila University, Darbhanga and Professor, Women's College, Samastipur, Mohalla-Kashipur, P.O. + P.S. & District- Samastipur.
8. Sri Brahmdeo Yadav, father's name not known, Profesor-in-Charge, Sant Kabir College, Samastipur, P.O + P.S. & District- Samastipur.
9. Dr. Ashutosh Kumar, father's name not known, Lecturer, Department of Economics, Sant Kabir College, Samastipur, P.O + P.S. & District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Suraj Narain Yadav, Advocate
For the University : Mr. Chandra Mohan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 17-03-2016

The Court is satisfied that there was an occasion for the University to constitute an *ad hoc* committee because the previously constituted governing body and some of its members were mis-utilizing funds and not running the affairs of the college properly. There are adequate indications and materials to show that since it has emerged in the enquiry.

The University cannot be silent spectators to such going on and basically the reason for the petitioner to file the present writ application is that power has slipped out of his hands with regard to the management and day to day affairs of the institution in question.

The Court is of the opinion that it is the institution, specially the educational kind, which is more important and not the individuals who are deriving benefits from such institution by virtue of being a member of the managing committee in one form or the other.

However, the Court also feels that since the *ad hoc* committee was constituted way back on 03.09.2015, the time has come now to take steps for constitution of a regular governing body which will be in the interest of the institution for ensuring its smooth functioning day to day.

Writ application is disposed of with a direction upon the Vice-Chancellor of the University to take steps in this regard and ensure of a regular governing body is in place in accordance with the statute and the rules preferably within a period of three months from the date of production of a copy of this order.

The Court deliberately refrains from recording various submissions and details of such submissions because the Court would not like to create any prejudice in favour or against any claimant

including the present petitioner.

The *ad hoc* committee and the management in-charge of the college will not deal with the funds made available as grants till the regular governing body is put in place. This will be in the interest of the financial discipline as well as to prevent all kinds of insinuation and allegations flowing against one member or the other.

(Ajay Kumar Tripathi, J.)

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