

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17230 of 2015

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1. Uma Shanker Singh, aged about 58 years, son of Late Ram Balak Singh resident of Village- Sheo Nagar Police Station- Koilwar, District- Bhojpur Ara.
 2. Dr. Anil Kumar Ojha, son of Late Ramraj Ojha, resident of Village- Chanderva, Police Station- Nawada, Ara, District- Bhojpur.
 3. Surya Kant Singh son of Sri Devendra Kumar Singh resident- Chandi, Police Staton- Charpokhari, District- Bhojpur, Ara.

.... Petitioners

Versus

1. The Vir Kunwar Singh University through its Registrar, Ara, District- Bhojpur
2. The Vice Chanellor, Vir Kunwar Singh University, Ara, District- Bhojpur
3. The Registrar, Vir Kunwar Singh University, Ara, District- Bhojpur
4. The Adhoc Committee for Kunwar Singh College, Ara, through its Secretary, having office at Kunwar Singh College, Ara.
5. The State of Bihar through Principal Secretary, Human Resource Department, Government of Bihar Patna
6. The Principal Secretary, Human Resource Department, Government of Bihar Patna
7. The Vigilance Department through its Additional Secretary, Suchna Bhawan, Patna
8. Sri Surendra Singh, son of Late Ram Sakal Singh, resident of Village- Krishnagadh Devaria Police Station- Krishnagadh, District- Bhojpur, Ara
9. Sri Paramhansh Tiwari, son of Sri Sidheshwar Tiwari, resident of Village and Post office- Chandwa, Ara Police Station- Nawada (Ara), District- Bhojpur.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Anand Kumar Ojha, Advocate
For the State	:	Mr. S.S. Prasad, S.C.8
For Vigilance	:	Mr. Rama Kant Sharma, Senior Advocate Mr. Rabindra Kumar, Advocate
For Res. Nos.1-3	:	Mr. P.K. Verma, Senior Advocate Mr. Rajesh Prasad Choudhary, Advocate
For Res. No.8	:	Mr. P.K. Shahi, Senior Advocate Mr. Jitendra Kumar, Advocate
For Res. No.9	:	Mr. N.K. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-11-2016

The disquiet, which the petitioners feel and apprehend because of continuance of respondent nos.8 and 9 in the college in question, would be justified at the individual's level of perception.

But, when the same set of facts are put under judicial scrutiny, the conclusion, which the petitioner has already reached and derived, cannot be done by any Court of Law much less a Constitutional Court of Law.

2. There are allegations against respondent nos.8 and 9 of misuse of office, misappropriation of funds etc. etc. Law has been set into motion. The Vigilance has initiated an investigation after lodging an FIR but that is only to find out whether the allegations made in the FIR are made or not made out. Institution of FIR may not be good enough for this Court to dislodge respondent nos.8 and 9 from their present position. If a charge-sheet is filed and cognizance is taken then may be the stage to ask respondent nos.8 and 9 to desist from performing any responsibility or duty in the capacity, which they are performing now, may arise.

3. There are couple of other issues as well, which have been raised by the petitioners. The multiplicity of such reliefs cannot form the bundle in one writ application for this Court to adjudicate and grant relief or directions. There are forums available and some of these issues can be raised by the petitioners before such authorities.

4. The petitioners have been denied salary, which they urge, is for reasons that respondent nos.8 and 9 have malafidely stopped the payment because they are agitating and raising issues

against them.

5. The issue of non-payment of salary to these petitioners can be raised before the Vice-Chancellor of the University who will be obliged to verify whether the stoppage of salary of these petitioners is for reasons, which are personal to respondent nos.8 and 9 and not for any legal cause or justification. Such a decision will be arrived at after giving an opportunity even to respondent nos.8 and 9 by the Vice-Chancellor.

6. Learned senior counsel representing the Vigilance on instruction informed the Court that the I.O. is investigating the matter and is on the job. The Court can only observe that let it not be an unending investigation, which meanders from month to month and year to year.

7. Writ application now stands disposed of with the observation as above.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.11.2016
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