

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10401 of 2016

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1. Pragya Bharti (Bihar) through its Secretary Dr. Bhupendra Kumar Mishra S/o Baliram Mishra R/o Mohalla Sheoganj Arrah, P.S. - Arrah Town, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Higher Education, Govt. of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Govt. of Bihar, Patna.
4. The Chancellor, Magadh University, Bodh Gaya.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. Mohammad Israil Khan, Professor, Department of Psychology, Magadh University, Bodh Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manan Kumar Mishra, Sr. Advocate

Mr. Sanjay Kumar Pandey, Adv.

For the State- Respondent/s : Mr. Roy Shivajee Nath, AAG 3

For Respondent No. 4 : Mr. Rajendra Kumar Giri, Advocate

For Magadh University : Mr. Krishna Nandan Singh, Sr. Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

AND

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN

SINGH

JUDGMENT AND ORDER

ORAL

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 27-07-2016

We have heard Mr. Manan Kumar Mishra, learned Senior Counsel, for the petitioner, and Mr. Roy Shivajee Nath, learned Additional Advocate General No. 3. We have also heard Mr. R. K. Giri, learned Counsel, appearing on behalf of respondent No. 4, and Mr. Krishna Nandan Singh, learned Senior Counsel, representing the respondent-University.

With the help of this writ application, made under

Article 226 of the Constitution of India, in the nature of Public Interest Litigation, the petitioner has put to challenge the appointment of respondent No. 7, namely, Md. Israil Khan, as Dean, Faculty of Education, Magadh University, Bodh Gaya.

Appearing, however, on behalf of respondent Nos. 5, 6 and 7, Mr. Krishna Nandan Singh, learned Senior Counsel, has submitted that respondent No. 7 has already resigned from the post of Dean, Faculty of Education, Magadh University.

In view of the fact that respondent No. 7, Md. Israil Khan, has already resigned from the post, which, according to the petitioner, the said respondent No. 7 was ineligible to hold, this writ application has become infructuous.

Mr. Manan Kumar Mishra, learned Senior Counsel, appearing on behalf of the petitioner, has, however, pointed out that the appointment of respondent No. 7 as a Professor, in the faculty of Psychology, of the Magadh University is also bad in law, but this is an aspect, which should be taken care of by respondent No. 5, namely, Vice Chancellor, Magadh University, Bodh Gaya, and respondent No. 7 shall be stopped from functioning, directly or indirectly, as the Dean, Faculty of Education, Magadh University.

In view of the submissions, so made, we direct respondent Nos. 5 and 6 to do the needful in accordance with

law.

While disposing of this writ application, we leave the petitioner with the liberty to approach this Court, with appropriate application(s), in future, if so advised, and/or take recourse to such provisions of law as may be permissible, if the situation so arrived.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.07.2016
Transmission Date	N.A.