

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4397 of 2017

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1. Puspa Sinha Wife of late Shiveshwar Nath Rai All Resident of Mohalla-Dahiyawan tola, P.O.,- Chapra, P.S.- Chapra Town, Distt Saran.

.... Petitioner/s

Versus

1. Jai Prakash University Through Its Registrar , Rahul Sanskritayan Nagar, Chapra.
2. The Vice-Chancellor, Jai Prakash University, Rahul Sanskritayan Nagar, Chapra.
3. The Hon'ble Chancellor, the Universities of Bihar, Raj Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma, Advocate

For the Respondent/s : Mr. Hansraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 02-05-2017 The petitioner claims to be Principal Incharge of Bisheshwar Dayal Sinha Memorial Mahila Mahavidyalya, Sandha, Chapra. She filed a writ application seeking direction for constitution of governing body of the said college. According to her, the college enjoyed the status of affiliation to Jai Prakash University, Chapra for nearly three decades.

Issue of constitution of governing body of the said college, for the present, has become inconsequential because of the stand taken on behalf of the University and inspection report submitted by a Committee constituted by the University, which has recommended for disaffiliation of the college on account of insufficient infrastructure maintained by the college. The said



report dated 09.03.2017, based on inspection done on 04.03.2017 has been brought on record by way of Annexure-C.

Learned counsel appearing on behalf of the petitioner has submitted that the said report of the Committee is perfunctory and no thorough inspection was done of the college after giving due notice. He has submitted that though the college has land duly registered in the name of the Governor of Bihar, it has been mentioned in the said report that no document in this regard was produced at the time of inspection. He has submitted that on the date when the inspection was done, the Incharge Principal was on leave and since there was no intimation that inspection would be held, the documents were not readily made available at the time of inspection.

There is nothing on record to show that on the basis of the said report of the Committee dated 09.03.2017 any decision has been taken by the University in the direction of disaffiliating the college.

Learned counsel for the University has drawn my attention to a criminal case lodged in the year 2016, which indicates certain irregularities in functioning of the college in question. In my opinion, the mere lodging of the First Information Report will have no effect on the status of the college, in question



as an affiliated college. The decision in this regard will have to be taken by the authority competent to take such decision. I am also of the view that the inspection, which has been done and the report, which has been submitted thereon can be basis for prima facie satisfaction for the University to proceed but that inspection cannot itself be the basis for taking any adverse action against the affiliated status of the college. The University does not dispute the fact that the college has enjoyed status of affiliated institution for nearly three decades. If according to the University, the college is not fulfilling the minimum infrastructure statutorily required, the University should conduct inspection of the college after giving them due opportunity so that the college authorities may be able to satisfy the inspection team as regards the documents which are there in possession and other aspects to establish that the infrastructure is available. In the absence of any final decision on the question of continuance of affiliation, it seems that the authorities are not constituting the governing body. Non constitution of governing body has consequence of non compliance of provisions of Section 57A of the Bihar State Universities Act.

Considering all these facts, I consider it appropriate to dispose of this writ application with a direction to the Vice



Chancellor, Chapra University to get the college inspected within a period of four weeks from today. Considering the dispute, which is being raised on behalf of the petitioner, referring to the report submitted by six member committee, it is directed that the inspection shall be videographed extensively. Inspection should be done giving prior notice to the authorities of the college. The Committee shall be required to submit its report within one week thereafter and the University shall be required to take final decision on the said report, within two weeks thereafter.

The issue of constitution of governing body of the college shall be taken up immediately thereafter, based on the decision of the University in this regard.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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