

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13004 of 2013

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Ramesh Rai, Son of Late Jang Bhadur Rai, Resident of Village-
Jitwarpur Nizamat, P.S.- Samastipur(M), District- Samastipur, at
Present Ex-Secretary of the Sant Kabit Mahavidyalay, Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Special Secretary, Governor's Secretariat, Bihar Raj Bhawan, Patna.
3. The Principal Secretary, Department of Education, Government of Bihar, Patna.
4. The Special Secretary, Higher Education, Government of Bihar, Patna.
5. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
7. Sri Jay Shankar Ray, Vill.-Magardahi, Kharidabad, P.S.+Distt.- Samastipur.
8. Smt. Mayank Kumari, W/o Shri Arun Kumar Roy, Vill.+P.O.- Laguniya, Suryakanth, Samastipur.
9. Smt. Mala Kumari, W/o Shri Sumant Kumar Roy, Vill.- Dadhiyabelar, P.O.-Kapurigram, Samastipur.
10. Shri Shiv Shambhu Prasad Yadav, Vill.+P.O.-Madhupur, Digruha, Samastipur.
11. Shri Raghubir Kumar, Vill.-Rampur, Kesopatti, P.O.-Rupauli, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.



For the Respondent/s : Mr. Sumant Kr. Singh, AC to GA-2
Mr. Ajay Behari Sinha, Adv.
Mr. Suraj Narain Yadav, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 28-04-2017

Due to long pendency of this application, at this stage, the only grievance which the petitioner now has is with regard to publication of notice by Sant Kabir College, Samastipur, dated 11.06.2013, containing names of five persons as Donor Members of the said College, which is affiliated to Lalit Narayan Mithila University, Darbhanga. The said five Donor Members, mentioned in the notice, dated 11.06.2013, have been impleaded as respondent Nos. 7 to 11 in the present proceeding. The notice, dated 11.06.2013, was apparently issued for the purpose of election of one Donor Member for constitution of Governing Body of the said affiliated College.

2. Learned counsel, appearing on behalf of the petitioner, has drawn my attention to the Statutes regarding the constitution of the Governing Bodies for management and administration of admitted Colleges with particular reference to Clause 3(iii), which reads thus:-

*"3(iii) The list of donors
containing names of all such donors*



from who donations have been received up to 31st July shall be published every year by 31st August and put up on college and University Notice Boards and intimation thereof shall be notified in a newspaper.”

3. It is the plea of the petitioner that he is indisputably a Donor Member from long back. The Donors, whose names figured in the notice, dated 11.06.2013, have made donations to the said College in January, 2013 onwards. It is his case that the list of Donors, in the light of Statute, as mentioned above, ought to have been published after 31.07.2013, since up-to that date, donations could have been received for the purpose of inclusion of Donors in the said list. According to him, publication of said notice, on 11.06.2013, before cut-off date of receiving donations, i.e., 31.07.2013, is bad.

4. Learned counsel, appearing on behalf of respondent Nos. 7 to 11, on the other hand, though, has not disputed the legal position, has submitted that the question has become mere academic for the reason that based on the said notice, dated 11.06.2013, the Donor Member has been elected for constitution of the Governing Body and the term of said Governing Body has also come to an end.

5. Learned counsel, appearing on behalf of the



private respondent Nos. 7 to 11, appears to be right in his submission that the question raised on behalf of the petitioner is now only of academic importance and no purpose would be served even if the impugned notice is quashed.

6. Be that as it may, I find substance in the submission made on behalf of the petitioner that the said notice, dated 11.06.2013, ought not to have been issued, in any event, before 31.07.2013. At the same time, this is also correct that no purpose is served, if the said notice is set-aside.

7. This application is, accordingly, disposed of with a direction that in future, while preparing list of Donor Members, the University shall keep in mind the provisions as contained in Clause 32 of the Statute, regarding constitution of the Governing Body and shall include such Donors in the list from whom donations are received up-to 31st July of the concerned year.

8. This application stands disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04/05/2017
Transmission Date	

