

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18233 of 2015

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1. Dr. Dharam Prakash Son of Late Kuldip Narayan R/o Bhagwat Nagar, P.S. Agamkuan, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Higher Education, Government of Bihar, Patna
2. The Chancellor of Universities, Bihar, Patna
3. The Vice Chancellor, Patna University, Patna
4. The Registrar, Patna University, Patna
5. Prof. Ram Jatan Singh S/o late Rameshwar Singh R/o Viveka Nand Park, Road No. 2, Patliputra , P.S.- Patliputra Distt- Patna.
6. Prof. N.K. Chaudhary S/o Sita Ram Chaudhary R/o Flat No. 204, Second Floor, Udaigiri apartment Opp. Bihar Industries Association(BIA) Sinha Library Road P.S. Kotwali Distt Patna-1
7. Prof. Ashok Kumar S/o Raj Kumar Sharma R/o Telpa Kothi, Kadamkuan, Distt Patna-3

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Murari Mishra, Advocate Mr. Prem Kumar, Advocate
For the Chancellor For Patna University	:	Mr. Rajendra Kumar Giri, Advocate Mr. Digvijay Singh, Advocate Mr. B.J. Jha, Sr. Advocate
For Respondent No.7	:	Mr. Ajay Behari Sinha, Advocate
For the State	:	Mr. Niraj Kr. Sinha, AC to PAAG-2

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-07-2017

Petitioner, a retired teacher who was working in the University in question, has filed this petition in public interest and brings to the notice of this Court certain act of the University in the matter of payment of or grant of leave i.e. sabbatical and academic leave to respondent Nos.5, 6 and 7. Particularly with reference to



respondent No.5, the allegation is that even for the period when he was in custody and in jail, the amount has been paid. On the basis of the detailed allegation made, the Registrar of Patna University and private respondents have filed their reply and have tried to rebut the contention. However, we find that for certain periods, the explanation given by the University for making payment warrants a proper enquiry into the matter by an appropriate Committee. Even though the University speaks about certain enquiry being conducted and reported submitted, prima facie, we are not satisfied with the manner in which the University has dealt with the issue, as respondent No.2, the Hon'ble Chancellor of the Universities is before us and he has the statutory authority for controlling the functions of the University, it is thought appropriate to request respondent No.2 to constitute a proper Enquiry Committee which shall go into the issue in question, after hearing all concerned, namely the respondent and the University, examine the records and submit a report to the Hon'ble Chancellor with regard to the issue in question and based on the same it would be for the Hon'ble Chancellor to pass an appropriate order with regard to the grievances in question.

Requesting the Hon'ble Chancellor to conclude the aforesaid exercise within six months from the date of



receipt/production of a copy of this order, we dispose of the matter.

Needless to emphasize that we have not expressed any opinion on the merits of the allegation made. Whatever is observed in the matter is based on the pleadings of the parties and it would be exclusively for the Hon'ble Chancellor to go into various issues in question and take a decision without being influenced by any of the observations made in the present order in any manner.

Petition is, accordingly, disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	8.7.2017
Transmission Date	N/A

