

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1290 of 2017

Vijayam Evening College, 2nd and 3rd Floor, Kolharia Complex, Ashok Rajpath, Patna, District- Patna-800004, through its acting Principal Sri Anand Vijay, S/o Mr. Ramdeo Prasad Sharma, Finance Department Colony, Khajpura, Bailey Road, Patna District-800014

... .. Appellant/s

Versus

1. Magadh University, Bodh Gaya, through its Vice Chancellor
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya
3. The Registrar, Magadh University, Bodh Gaya, Gaya
4. Sri S.M. Karim, Father's name not Known to the Petitioner (Pro-Vice Chancellor, Aryabhatta Knowledge University) Resident of Road No. 3, in front of U.S. Lab, Rajendra Nagar, P.S.-Kadam Kuan, District-Patna.

... .. Respondent/s

Letters Patent Appeal No. 1275 of 2017

Catalyst Institute Of Management & Advance Global Excellence (CIMAGE), Commercial Plot no.-5, road no.-1A, Boring Road, District-Patna-800001, through its Acting Principal, Sri Nitish Kumar Rohatgi, S/o Krishna Kumar Rohatgi, R/o Flat no.-203, Keshav Apartment, Kannulal Road, P.S. Jakkanpur, District-Patna-800001.

... .. Appellant/s

Versus

1. Magadh University, Bodh Gaya, through its Vice Chancellor
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya
3. The Registrar, Magadh University, Bodh Gaya, Gaya
4. Sri S.M. Karim, Father's name not Known to the Petitioner (Pro-Vice Chancellor, Aryabhatta Knowledge University) Resident of Road No. 3, in front of U.S. Lab, Rajendra Nagar, P.S.-Kadam Kuan, District-Patna.

... .. Respondent/s

Letters Patent Appeal No. 1277 of 2017

Swatantrata Senani Shankarlal Agrawal Prabandhan Evm Takniki Mahavidyalay, Kiran Bhawan, Rajapur Pul, Boring Canal Road, Patna, District-Patna-800001, through its acting Principal Sri Amit Kumar Shukla, S/o Dr. Gopal Shukla, House No. 172, Professor Colony, Near R.M. College Hajipur 844101.

... .. Appellant/s

Versus

1. Magadh University, Bodh Gaya, Gaya through its Vice Chancellor
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
3. The Registrar, Magadh University, Bodh Gaya, Gaya null null



4. Sri S.M. Karim, Father's name not Known to the Petitioner (Pro-Vice Chancellor, Aryabhatta Knowledge University) Resident of Road No.3, in front of U.S. Lab, Rajendra Nagar, P.S.-Kadam Kuan, District-Patna.

... .. Respondent/s

Letters Patent Appeal No. 1291 of 2017

Catalyst Institute Of Management & Advance Global Excellence (CIMAGE), Commercial Plot no.-5, road no.-1A, Boring Road, District-Patna-800001, through its Acting Principal, Sri Nitish Kumar Rohatgi, S/o Krishna Kumar Rohatgi, R/o Flat no.-203, Keshav Apartment, Kannulal Road, P.S. Jakkampur, District-Patna-800001.

... .. Appellant/s

Versus

1. Magadh University, Bodh Gaya, Gaya through its Vice Chancellor
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
3. The Registrar, Magadh University, Bodh Gaya, Gaya null null
4. Sri S.M. Karim, Father's name not Known to the Petitioner (Pro-Vice Chancellor, Aryabhatta Knowledge University) Resident of Road No.3, in front of U.S. Lab, Rajendra Nagar, P.S.-Kadam Kuan, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandeep Kumar, Advocate Mr. Ajit Kumar, Advocate
For the University	:	Mr. Rajendra kumar Giri, Advocate Mr. Shivendra Kishore, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-09-2017

Seeking exception to an order dated 31.8.2017 passed by the learned writ court in CWJC Nos. 9684, 10373, 10409 and 10338 of 2017, all these four Letters Patent Appeals have been filed under Clause 10 of the Letters Patent.



During the course of hearing of the matter, learned counsel for the appellants submitted that he may be permitted to withdraw the writ petitions themselves with liberty to approach the Chancellor, who may look into the grievance of the writ petitioners-appellants and take action as may be permissible under law. But he makes a submission that the Chancellor may be granted liberty to decide the matter independently without being influenced by the observations made by the writ court in the impugned order.

Having heard Shri Sandeep Kumar, learned counsel for the appellants, Shri Rajendra Giri and Shri Shivendra Kishore learned counsel for the respondents-University, we are of the considered view that in the facts and circumstances of the case there is no impediment in allowing the aforesaid prayer of the writ petitioners-appellants. The learned writ court based on the materials that came on the record, decided the matter. The writ petitioner-appellants can still ventilate their grievance before the Chancellor of the Universities, who, under the Statute, is entitled to consider the claim and therefore, we dispose of the appeals in the following manner:

The writ petitioners are permitted to withdraw the writ petitions filed by them. CWJC Nos. 9684, 10373, 10409 and



10338 of 2017 are deemed to be withdrawn and disposed of accordingly with liberty to the writ-petitioners to move the Hon'ble Chancellor with regard to their grievance and the Hon'ble Chancellor to proceed and take action in the matter in accordance with law. However, while considering the representation/claim of the writ petitioners the order passed by the writ court impugned dated 31.08.2017 shall not come in the way and the Hon'ble Chancellor is free to proceed in the matter in accordance with law and take a decision subject to objections raised by the University in the matter with regard to the merit of the grievance of the writ petitioners.

With the aforesaid observations, all the four appeals stand disposed of.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2017
Transmission Date	

