

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5675 of 2013

In

Civil Writ Jurisdiction Case No. 13337 of 2012

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Baidyanath Singh S/O Late Phuleswar Singh Resident Of Village -
Vikrampur English, P.S. - Sikhrail, District - Buxar

.... Petitioner

Versus

1. The State of Bihar through Sri Amarjeet Sinha, the Principal Secretary, Higher Education, Bihar, Patna
2. Dr. P.N. Singh, the Vice Chancellor, Veer Kunwar Singh University, Ara
3. Dr. Manoj Kumar, the Registrar, Veer Kunwar Singh University, Ara
4. Dr. Vivash Kumar Yadav, College Inspector, V.K.S. University, Ara
5. Sri Rajesh Kumar, Sub-Divisional Officer, Bikramganj, Rohtas-Cum-President Of Ad-Hoc Committee, Ramnarayan Sah Sarvodya Mahavidyalaya, Ganj Bharsara, Rohtas
6. Dr. Vijay Kumar Gupta, University Representative-Cum-Secretary, Ramnarayan Sah Sarvodya Mahavidyalaya, Ganj-Bharsara, Rohtas
7. Sri Jai Kumar Singh, M.L.A. Dinara Assembly Constituency, Rohtas-Cum-People Representative, Ram Narayan Sah Sarvodya Mahavidyalaya, Ganj Bharsara, Rohtas
8. Jagdish Prasad S/O Late Mathura Prasad R/O Village - Baliya Kothi, P.S. - Nasriganj, District - Rohtas
9. The Bihar School Examination Board through Secretary Ashutosh Kumar, Budh Marg, Patna
10. Dr. Rajmani Singh, the Chairman, Bihar School Examination Board, Budh Marg, Patna
11. Sri Ashutosh Kumar, Secretary, Bihar School Examination Board, Budh Marg, Patna
12. Sri Nayan Ranjan Verma, District Education Officer, Rohtas

.... Respondents

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with

Miscellaneous Jurisdiction Case No.5932 of 2013

IN

Civil Writ Jurisdiction Case No. 13337 of 2012

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Jagdish Prasad S/O Late Mathura Prasad, Resident of Village Baliya Kothi,
P.O. + P.S. Nasariganj, District Rohtas At Sasaram.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Education Department, Government of Bihar, Patna.
2. Dr. Pratap Narain Singh, Vice Chancellor, Veer Kunwar Singh University, Ara.
3. Dr. Manoj Kumar, Registrar, Veer Kunwar Singh University, Ara.
4. Rajesh Kumar, S.D.O. Bikramganj, President-Cum-Secretary, Ram Narain Sah Sarvodaya College, Ganj Bhansara, Block Dinara, District Rohtas.

.... Respondent/s



Appearance :

(In MJC No.5675 of 2013)

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19
For the University : Mr. P. K. Verma, Sr. Advocate
: Mr. Rajesh Pd. Chaudhary, Advocate

(In MJC No.5932 of 2013)

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Pankaj Kumar, SC-12.
For the University : Mr. P. K. Verma, Sr. Advocate
: Mr. Arbind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

6 15-02-2017 Heard learned counsel for the parties.

The substantial facts and issues involved in both the contempt applications are similar, and the same are being disposed of by a common order.

In both M.J.C No. 5675 of 2013 and M.J.C. 5932 of 2013, the petitioners have raised a grievance that despite the directions of this Court to the University to constitute a regular Governing Body of the College, in question, the same has not been carried out to its logical conclusion by the University.

A show-cause has been filed on behalf of the University in both the cases.

Mr. P. K. Verma, learned senior counsel appearing for the University submits that primarily the Governing Body is to be constituted in the College in terms of Section 60 of the Bihar State Universities Act, 1976. Learned counsel submits that as per



Section 60 of the Act, the Governing Body of a College would consists of the following Members:

- (i) Principal of the College- Ex- Officio,
- (ii) a member elected by and from amongst the teachers of the College,
- (iii) a representative of the University nominated by the [Vice-Chancellor],
- (iv) an officer of the State Government posted in the district, being not below the rank of a sub-divisional magistrate,
- (v) a member elected by such donors from amongst themselves as they have donated at least twenty five thousand rupees to the College,
- (vi) One member to be nominated by the [Vice-Chancellor], who is a member of the Parliament or the State Legislature and mainly resides in the district of the area in which the College is situated; and
- (vii) One member co-opted by the Governing body from amongst such educationists or persons residing in the district where the College is situated as are reputed for their academic interest.

Learned counsel submits that as per Section 60 of the Bihar State Universities Act, 1976, the University is to nominate



three members, one each against serial nos. (iii) to (v), which have already been done. The other members are to be elected/opted at the level of the College under the supervision of the Principal himself/herself. He thus submits that now it is for the College to nominate/co-opt the other members and can send it to the University for its approval.

Mr. P.K. Verma, learned senior counsel assures this Court that once such list is sent, there would not be any delay on the part of the University in granting approval in accordance with law.

Mr. Sunil Kumar Singh, learned counsel appearing in M.J.C. No. 5932 of 2013, submits that name of donor member has already sent to the University for its approval. He further submits that the names of other members would be sent very soon.

As there has already been substantial delay in formation of the Governing Body, it is expected in the interest of the institution and the students that the University would consider the list sent to it without further delay on its part.

Both the contempt applications are drooped.

(Samarendra Pratap Singh, J.)

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