

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2470 of 2013

IN

Civil Writ Jurisdiction Case No. 13554 of 2012

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Vinod Pathak S/O Late Madhav Pathak, Acting Principal Of Ramcharitar Singh College Kurtha, P.S. Kurtha, District Arwal.

.... Petitioner/s

Versus

1. Magadh University, Bodh Gaya, District Gaya Through Its Registrar D.K. Yadav.
2. The Vice Chancellor, Magadh University Bodh Gaya, District Gaya - Dr. C.P. Singh.
3. The Inspector Of College, Magadh University, Bodh Gaya.
4. Laldeo Singh, Resident Of Village Rakasia, P.O. Pandaul, P.S. Sakurabad, District Jehanabad.
5. Adhoc Committee Of Ram Charitar Singh College Kurtha, P.O. And P.S. Kurtha, District Arwal Through Its President.
6. Yogendra Prasad Singh S/O Laldeo Singh Resident Of Village Rakasia, P.O. Pandaul, P.S. Sakurabad, District Jehanabad.
7. The Pro-Vice Chancellor, Magadh University Bodh Gaya, District Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. Binay Kumar Singh

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 20-09-2017

Inter alia contending that an order passed on 19.09.2012 in CWJC No. 13554 of 2012 has not been complied with this application has been filed for initiating action for contempt.

In the writ petition the following directions were issued:-

“In a disturbing situation, where a principal Incharge is continuing since 1992 and has been replaced by the another Principal Incharge in 2012, even if it be the role of the Governing Body of the College to appoint a regular Principal the University has enough powers



under the law to ensure that the Institution in question appoints a regular principal preferably within a maximum period of six months from the date of receipt and/or presentation of a copy of this order before the University failing which the University is expected to exercise and perform its statutory role for ensuring academic standards and discipline in higher education in the state including de-affiliation in accordance with law.

The facts of the case are glaring and compel the Court to direct that respondent no. 6 as the Principal Incharge will only discharge day to day functions and shall not take any major administrative decision and shall also not incur any major expenditure except day to day running expenses without the approval of the Vice Chancellor.

The writ application is dismissed.”

From the counter affidavit and the supplementary counter affidavit filed it is seen that the University has taken steps for appointing a Committee for taking action for appointment of regular Principal. Contention of the petitioner now is that as the University has not conducted exercise within the time stipulated and regular Principal has not been appointed the action should have been taken for de-affiliation of the institute in accordance with law. Merely because regular Principal having not been appointed by the Managing Committee or the Governing Body of the college no action can be



taken against the University officials. The University has indicated various reasons which compelled them in causing the delay in taking steps.

Now from the counter affidavit by the University officials it is seen that they have taken steps and the process of appointing regular Principal is going on. They have also tendered apology for the delay. That being so, this Court does not deem it appropriate to initiate any action for contempt against the officers of the University as the officers who are responsible for implementing the order passed in the year 2012 are not before this Court and the officers who have replaced them and now holding the post have already taken action in the matter.

As far as de-affiliation of the institute is concerned, direction is to take action by the competent authorities in accordance with law. Merely because the University has not taken action for de-affiliation this Court does not deem it appropriate for initiating proceeding for contempt as the case of each institute will have to be evaluated separately and the order is only to initiate the process for de-affiliation as per law. The petitioner is at liberty to initiate fresh proceeding in accordance with law and seek de-affiliation before the authorities, and it would be appropriate for the court or the authority concerned before whom the petitioner would approach to look into



this grievance of the petitioner.

Now, in the facts and circumstances of the present case,
this Court is not inclined to initiate any action for contempt.

With the aforesaid, this application stands disposed of.

(Rajendra Menon, CJ)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.09.2017
Transmission Date	N.A.

