

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.158 of 2017

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1. Md. Aslam, S/o Anwar Kuraisi, House no.17, B2/No-2, P.O.- Kankinara, P.S.- Kankinara, District- 24 pgs (n), West Bengal. at present residing C/o Shaukat Ali, Burhanagar, P.O.- Islampur, P.S.- Islampur, Nalanda, Bihar- 801303.
 2. Md. Pawej, S/o Isa Jahaji, resident of Village- Chandni Chowk, P.O.- Brahmpura, P.S.- Kachari, Dist- Bhagalpur.
 3. Neelam Kumari, D/o Sanu Singh, C/o Vishwanath Singh, resident of Pusp Vihar Colony, Infront of Oro Dental, PO- Guljarbagh, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Chancellor of the Universities of Bihar, Raj Bhawan, Patna.
4. The Vice Chancellor, Maulana Mazharul Haque Arabic & Persian University, Patna, 34, Ali Imam Path (Harding Road, Patna).
5. The Pro Vice Chancellor, Maulana Mazharul Haque Arabic & Persian University, Patna, 34, Ali Imam Path (Harding Road, Patna).
6. The Registrar, Maulana Mazharul Haque Arabic & Persian University, Patna, 34, Ali Imam Path (Harding Road, Patna).
7. The Finance Officer, Maulana Mazharul Haque Arabic & Persian University, Patna, 34, Ali Imam Path (Harding Road, Patna).
8. Hena Kausar, D/o Ehsan Ahmad Khan, resident of Ram Avatar Prasad Khatri Path, Diwan Mohalla, Gurhatta Hammam, P.S.- Khajekalan, P.O.- Jhauganj, Patna City, Patna.
9. Asif Imam, S/o Akhtar Imam, resident of Ismail Manzil, Nawab Bahadur Road, Beside Allahabad Bank, P.O.- Jauganj, P.S.- Khajekalan, Patna City, Patna.
10. Khaja Shazad Ahmad, S/o Khaja Sajjad, resident of Mogal Pura, Ali Bagh, Khaja Cottage, P.O.- Jauganj, P.S.- Khajekalan, Patna City, Patna.
11. Syed Ehtesham Hussain, S/o Late Syed Mushtaque Hussain, resident of Pandariba Lane, P.O.- Jhauganj, P.S.- Khajekalan, Patna City, Patna.
12. Syed Jahir Hsan Jafri, S/o Late Syed Ibne Hasan Jafri, resident of Shahistan Shear Shah Road, P.O.- Gulzaragh, P.S.- Alamganj, Patna.
13. Md. Rahullah, S/o Md. Hedayatullah, resident at & P.O.- Kadampura, P.S.- Kishanpur, District- Supaul.
14. Abid Husain, S/o Ansar Hussain, resident of Nauzar Katra, City Court, P.O.- Jhauganj, P.S.- Khajekalan, Patna.
15. Abdul Ghaffar, S/o Abdul Hamid, C/o Ahsan Villa, resident of Opposite Mustaque Banker, Peerwaise Market Alamganj, Patna.
16. Md. Ayaz Alam, S/o Md. Qaiyum, resident of Mahib Ali Chak, House No.72, P.O.+P.S.- Habibpur, Bhagalpur.
17. Md. Imteyaz Alam Khan, S/o Md. Zafeer Alam Khan, resident at & P.O.- Majhaur, Via- Nanpur, District- Sitamarhi.

.... Respondent/s



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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv
Mr. Kumar Rajeev, Adv
Mr. Ritesh Kumar, Adv
For the University : Mr. Rashid Izhar, Adv
For the Chancellor : Mr. R.K. Giri, Adv

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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

The petitioners who claimed to be vigilant citizens and interested in the working of the Maulana Mazharul Haque Arabic & Persian University, Patna have filed these petitions in public interest and their grievance is that the private respondent Nos. 8 to 17 have been appointed in various faculties of the University on contract basis subject to appointment of regular non-teaching staff and even after the regular faculty members(non-teaching staff) were appointed, their contract appointments have not been terminated. Referring to the meeting of the syndicate of the University held on 14.10.2015, the agenda discussed in the said meeting being Agenda No. 5 and the decision taken therein on the resolution placed before the meeting by a member Dr. Nazib Akhtar with regard to action in the matter of contract appointment of the non-teaching staff of the University, the subsequent approval of this agenda by the syndicate on 30th of January, 2016, it is stated that the Vice Chancellor has not taken any



action in pursuance to the aforesaid resolution and therefore, a mandamus be issued to the Vice Chancellor.

Learned counsel appearing for the Vice Chancellor, respondent No. 4 points out that for the present, no regular Vice Chancellor in the University has been appointed, only an officiating arrangement has been made and the University seized of the matter would be taking action on the resolution within a reasonable period of time, in accordance with law.

Keeping in view the aforesaid statement made by learned counsel for the Vice Chancellor, we are of the considered view that if the Vice Chancellor in question who is officiating on the post is authorized in law to take action with regard to the resolution in question, we may proceed to take action in accordance with law within two months from the date of receipt of certified copy of the order as he may refer the matter to the Chancellor of the University for further guidelines. Needless to emphasize that action to be taken by the Vice Chancellor as indicated hereinabove, shall be subject to following due process of law which shall include notice and hearing to the private respondents who may be adversely effected by the action taken. We further clarify that we have not expressed any opinion on the merits of the allegations made by the petitioners. We only direct the University and Vice Chancellor to expedite the matter



after following due procedure, in accordance with law.

With the above, the applications stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/07/2017
Transmission Date	NA

