

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4457 of 2014

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1. SRI BRAJESH KUMAR SINGH S/O LATE DULARI SINGH AT PRESENT WORKING AS LECTURER IN DEPTT. OF BOTONY IN G.D.M. COLLEGE, HARNAUT, NALANDA
 2. SATYESHWAR PD. SINGH S/O SRI SIYA LAL SINGH RESIDENT OF VILLAGE- SIRSI DIHRA, P.S.- HARNAUT, DISTRICT- NALANDA

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Hrd Deptt., Govt. Of Bihar, Patna
2. The Vice-Chancellor, Magadh University, Bodh Gaya
3. The Registrar, Magadh University Bodh Gaya
4. The Convenor, Ad-Hoc Committee G.D.M. College, Harnaut, District- Nalanda
5. The Principal, G.D.M. College, Harnaut, District- Nalanda
6. The Director, Higher Education, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad No.-1
For the Respondent/s : Mr. Ashok Priyadarshi-GA-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 07-08-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State as well as University.

Petitioner has filed the present application for manifold reliefs. He has raised various issues including the issue of illegal appointment and disbursement of government fund allocated to the college and manipulation of the records kept in the custody of the college. The issue as to payment of salary in affiliated college the grievance against the Managing Committee of the college is not maintainable as held out by the Apex Court in the case of Sirsi Municipality reported in AIR 1973 SC 855



and reiterated in Vaishya degree college reported in AIR 1976 SC 888. This Court has also maintained that writ against the Managing Committee of college is not maintainable. The controversy as to disbursement of the fund allocated by the State Government cannot be decided in the present writ petition. If the petitioner has any grievance he may approach the Director Higher Education raising the grievance as to miss-utilization of the fund of the State Government. The State Government cannot take the plea that the fund has been allocated by the State Government and it has no concern with the use or misuse of fund. Fund released by the State Government is meant for proper utilization and in case it is misused or abused the State authority cannot remain passive spectator rather they have to see that the fund is properly utilized.

Accordingly the Director Higher Education is hereby directed to look into the grievance of the petitioner, so far as miss-utilization of the fund disbursed by the State Government appropriate order may be passed on the representation filed by the petitioner along with a copy of this order within four months from the date of filing of representation to present misutilization of fund is concerned. So far as the other grievance petitioner is concerned, the liberty shall be available to the petitioner to



approach competent Civil Court for common law remedy in the
light of the judgment of the Apex Court mentioned hereinabove.

(Anil Kumar Upadhyay, J)

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