

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9173 of 2015

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Mirza Haider Ali, S/o Late Mirza Sulaiman Haidar, R/o - Moghalpura, Foujdari,
Kuan , P.S.- Khajekalan, District- Patna.

.... Petitioner/s

Versus

Chancellor, of the Universities of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-10-2018

Heard learned counsel for the petitioner.

2. Despite copy of the writ petition having been served on learned counsel for the respondents on 19.05.2015 and the name of learned counsel appearing in the daily cause list, nobody appears on his behalf when the case is taken up.

3. Learned counsel for the petitioner submitted that he may be permitted to make necessary correction in the description of the respondents in the cause title of the writ petition. Permission granted. Let the same be done during the course of the day.

4. The petitioner has moved the Court for the following reliefs:

“That this instant writ application is being filed for issuance of an appropriate writ/writs, direction/directions commanding the respondent authority to dispose of Appeal No.17 of 2014 filed by the petitioner in light of order dated 05.08.2014



passed in CWJC No. 8259 of 2013 whereby a bench of Hon'ble Patna High Court presided over by their Lordships Hon'ble Mr. Justice Jayanandan Singh."

5. Learned counsel for the petitioner submitted that initially he had moved the Court earlier in C.W.J.C. No. 8259 of 2013, against the order of the Vice Chancellor of the Patna University. However, by order dated 05.08.2014, the writ petition was disposed off giving liberty to the petitioner to challenge the order before the Chancellor. It was submitted that in terms thereof, the petitioner has filed Appeal No. 17 of 2014, before the respondents, which is still pending and, thus, may be directed to be disposed off.

6. The issue becomes delicate for the Court for the reason that the Chancellor also happens to be the Governor of the State and, thus, propriety requires that no specific mandamus be issued to him. However, in the capacity of the Chancellor of the University, there is also a duty cast as an appellate forum against any order passed by the University of which he is the Chancellor. Once such appellate statutory forum is invoked, it is but natural that the same being available as an alternative and efficacious remedy before invoking the jurisdiction of the High Court, the same should serve the purpose and in any view, care should be taken that the matter is disposed off as expeditiously as may be practically feasible.



7. Thus, the writ petition stands disposed off with the observation that the petitioner may represent before the Principal Secretary of the Hon’ble Chancellor with a request that his Appeal No. 17 of 2014, be taken up and disposed off expeditiously. The Court is confident that once the matter is brought to the notice of the Hon’ble Chancellor, the grievance of the petitioner shall stand redressed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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