

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9899 of 2017

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Bhagmati Devi Wife of Late Rajeshwar Pandey, Resident of Village & P.O. & P.S.
Garkha, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
2. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaaffarpur, through its Registrar.
3. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaaffarpur.
4. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaaffarpur.
5. The Jai Prakash University, Chapra through its Registrar.
6. The Vice-Chancellor, Jai Prakash University, Chapra.
7. The Registrar, Jai Prakash University, Chapra.
8. The Principal, Jagdam College, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Mahesh Narayan Parbat, Sr. Advocate Mr. Sanjay Kumar Jha, Advocate
For the J.P. University	: Mr. Nagendra Kumar Singh, Advocate
For the B.R.A. Bihar University	: Mr. Rakesh Kumar Singh, Advocate
For the State	: Mr. Rajeev Ranjan, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-05-2018

Heard learned counsel for the petitioner; State; B.R.A.

Bihar University and J.P. University.

2. In terms of order dated 24.04.2018, the respondent



no. 8 is present and has filed his affidavit.

3. The reason why respondent no. 8 was called has been recorded in order dated 24.04.2018. There is no explanation to the same and the only statement which has been made is that the deponent was not aware that in absence of consent, the cheque in favour of the petitioner could not be encashed. On a query of the Court as to why such transfer of amount is not made directly into the account of the beneficiary, the respondent no. 8 tried to explain to the Court the problems which may be faced as branches are far away and the amount may not be deposited in the beneficiary account. The Court finds such explanation to be totally untenable and in fact, misconceived and also incorrect. The transfer directly to the account through R.T.G.S. system is pan India and such amount can be transferred to any Branch anywhere in India from any place in India or even abroad. Thus, in any view of the matter, transfer through R.T.G.S. is not only simpler but more efficient, without there being need for issuance of any instrument by way of cheque and then sending the instrument to the party concerned and then the party in turn depositing the same in the concerned Branch. The stand taken by the respondent no. 8 clearly indicates that he is interested to continue with the system of issuing cheque rather than direct transfer to the account of the beneficiary, for reasons best known to him,



which the Court cannot accept.

4. Further, the respondent no. 8 appears to be running a parallel administration in the college. The Court distinctly remembers that on the last occasion i.e., 24.04.2018, the Vice Chancellor was present in Court in connection with another case and incidentally, when this case was taken up, the Court had specifically taken the opinion of the Vice Chancellor and he had stated that the Court may call the respondent no. 8 as he is not even listening to the directions issued by the University. This had also persuaded the Court to implead the respondent no. 8 and direct for his personal appearance today. In view of the same and the fact that the reason why he has been called not been explained by him in the affidavit filed today, the Court finds that the respondent no. 8 is behaving arbitrarily and his conduct is not *bona fide*.

5. Learned counsel for the J.P. University has further submitted that the Vice Chancellor has informed him that against respondent no. 8, in the examination held a few days back, the District Administration has also complained to the Vice Chancellor with regard to his role and conduct. In this background, the Court is of the opinion that the present respondent no. 8, who is before the Court and holding the post of Principal of the college is capable of causing mischief and also harassing both the teaching, non-teaching



and retired employees of the college with regard to making payments and also is a major factor with regard to maintaining peace, tranquility and purity of the education system, where he gets involved in activities during examination which is neither conducive nor proper and in fact damaging to the University and the Education system in general.

6. The Court, thus, was of the opinion that strict view be taken against such conduct of the respondent no. 8 and appropriate proceeding be initiated/action taken/orders passed against him but in view of the fact that ultimately it is the Vice Chancellor of the University who has to run its administration and has to ensure that there is no insubordination or deviant conduct of any of its officers/employees both teaching and non teaching, the Court is not initiating or taking action against the respondent no. 8 and leaves it to the Vice Chancellor to take a call on the issue, based upon materials/inputs available with him. The Court would only indicate that the Vice Chancellor has got sufficient power to take action against respondent no. 8 under law which he is free to do in the particular facts and circumstances of the present case on the basis of the materials before him as also the conduct reflected from the present case, where only due to his non-confirming for payment of cheque issued in favour of the petitioner twice, the same was not



encashed by the Bank concerned.

7. The Court would further observe that ultimately it is the Vice Chancellor who is responsible to ensure that the administration of the University and the constituent colleges is not vitiated and the Principal of the college is a person who is trustworthy with unblemished record and totally impartial without any angles. The circumstances also require the Vice Chancellor to send a strong signal with regard to the authority vested in him and with regard to having zero tolerance to any type of activity by any officer/employee of the University which may cause any damage or impediment in the smooth running of the educational system and maintaining good atmosphere on the campus and also purity of the institution.

8. In view of the materials on record, as the amount has been finally paid to the petitioner, the Court does not find any purpose in keeping the writ petition pending and accordingly, the same stands disposed off.

9. However, the petitioner shall be at liberty to file a detailed representation before the Registrar of the University with regard to any grievance which may still remain relating to non payment of the admissible dues. If such a representation is filed within four weeks from today, the Registrar shall get the same



verified from the records and pass a reasoned order thereupon within four weeks from the date of filing of such representation. If it transpires that any further amount is required to be paid to the petitioner, the same shall also be paid to her within three weeks from passing of the order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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