

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24331 of 2018

Sidharth Pratap, son of late Vijay Kumar Chand, resident of Usha Hero, Maul Babu Hatta, mohalla- Madhubani, P.S. K. Hat, town and district- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
2. The Director, Higher Education, Education Department Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Chancellor, B.N. Mandal University through its Principal Secretary, Raj Bhawan, Patna.
4. B.N. Mandal University, Madhepura, through its Registrar.
5. Registrar, B.N. Mandal University, Madhepura.
6. Vice Chancellor, B.N. Mandal University, Madhepura.
7. Purnea University, Purnea, through its Registrar.
8. Registrar, Purnea University, Purnea.
9. Vice Chancellor, Purnea University, Purnea.
10. The Governing Body of Bir Narayan Chand College (for short 'B.N.C. College'), Dhamdaha, Purnea, through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar
For the Respondent/s : Mr. Jitendra Kumar Roy 1 -SC-13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-12-2018 The petitioner seeks quashing of letter dated 08.07.2017, issued by the Registrar, B.N. Mandal University, Madhepura, whereby three persons have been declared as donors of B.N.C. College, Dhamdaha, Purnea. It is the petitioner's specific case that he is also a donor of the college inasmuch as he has donated a sum of Rs. 25,000/- in favour of the college way back in 2015. It is the petitioner's grievance that donor member of the college has been elected from amongst the



three donors only who have been declared to be a donor of the college whereas there are other donor including the petitioner who have not been given an opportunity to participate in the election of the donor member of the college and they were illegally excluded from the electoral roll prepared for the purpose of election.

Mr. Rakesh Kumar Samrendra, learned counsel appearing on behalf of the University, has submitted that in the absence of the persons against whom the petitioner is seeking relief in this writ petition as party respondents, this application cannot be maintained.

Be that as it may, I notice that there is set of statutes regarding Governing Body's duly assented by the Chancellor, Article 2 (ii) of which reads thus:

“(2) (ii) If any difficulty arises in the formation or the filling up of any seat in the Governing Body of any admitted college for any reason what-so-ever, the Syndicate shall on its own initiative or on reference to it shall decide the issue. If anybody, however, is dissatisfied with the decision of the Syndicate, he shall have the right of appeal to the Chancellor within thirty days of the decision whose



decision thereon shall be final and binding on the persons concerned.”

It is evident thus, that the petitioner has remedy of either approaching the syndicate again for the purpose of issue which has been raised in the present writ application and to question of election of the donor member, which is impugned. The petitioner has remedy of appeal also before the Chancellor as indicated in the said Statute as quoted above.

This application is accordingly disposed of with a liberty to the petitioner to invoke alternative remedy available to him under law.

This Court expects that if the petitioner is found to have made any application before the Syndicate, the same shall be considered and disposed of expeditiously, in accordance with law.

(Chakradhari Sharan Singh, J)

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