

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10530 of 2010

Shiddhi Vinayak Jha S/O Sri Pakshadhar Jha R/O Vill.- Bharwara, P.S.-
Singhwara, Distt.- Darbhanga, At Present Mohalla- R.N.R.College, Road No.
1, Krishnapuri, Gali No. 1, Kashipur, P.S.- Samastipur Town, Distt.-
Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resource Development, Govt. Of Bihar,
Patna
3. The Zila Shikshak Niyojan Appellate Pradhikar Samastipur, Through Its
Member
4. The District Magistrate, Samastipur, Distt.- Samastipur
5. The District Education Officer, Samastipur, Distt.- Samastipur
6. The Sub-Divisional Education Officer Samastipur, Distt.- Samastipur Cum
Nagar Parishad Appointment Officer, Samastipur
7. The Executive Officer, Nagar Parishad, Samastipur, Distt.- Samastipur
8. The Head Master, Gold Field Railway Colony High School Samastipur,
Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Respondent/s : Mr. Rajeev Shekhar, AC to GA-13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 28-08-2018 In view of the fact that matter was finally decided by

the Apex Court in Civil Appeal No. 673 of 2016 vide order

dated 29.01.2016, the present writ application is disposed of in

the light of the discussion of the Apex Court in Civil Appeal No.

673 of 2016.

The relevant part of the discussion from pages 8 to

11 reads as follows:-

**“In the circumstances, therefore, and
having regard to the submissions made at the Bar**



we are of the view that instead of directing an inquiry by a former Judge of the High Court which would involve additional expenditure for the University which is largely funded by the State Government, it would be more appropriate if we direct a proper inquiry to be conducted by the Lokayukta of the State of Bihar who happens to be a former Judge of the High Court of Patna. We accordingly request the Lokayukta in the State of Bihar to hold an inquiry into the following three aspects:-

(1) Whether Ahmadi B.Ed. College, Katihar had the necessary infrastructure such as land, building, class rooms, library, hostels etc. to run/impart B.Ed. Courses to students admitted to the same.

(2) Whether the respondents in these appeals and the intervenors (I.A. No.3 of 2015) were actually admitted to the said college and had actually pursued B.Ed. Courses during the relevant years or had procured or purchased their degrees through commission agents as is alleged in the vigilance report dated 28.06.1999.

(3) Whether the respondents and the intervenors had undergone the prescribed practical training for B.Ed. Course.

Needless to say that the respondents and the intervenors shall be free to appear before the Lokayukta and participate in the inquiry proceedings. Since the respondents are represented



before us no further or fresh notice shall be necessary. The respondents shall appear before the Lokayukta on 15.04.2016.

The Lokayukta shall be free to summon any witness considered relevant for determining the issues mentioned above or record from any quarter including the records from Muslim Minority Ahmadia B.Ed College, Katihar and the appellant-University. The Lokayukta shall also provide to the respondents-candidates and the intervenors liberty to adduce any oral or documentary evidence if they so desire.

From completion of the inquiry the Lokayukta shall answer the three questions formulated by us and submit his report to the Vice-Chancellor of the appellant University.

Depending upon the findings recorded by the Lokayukta the appellant-University shall pass appropriate orders if necessary in modification of Notification dated 19.05.2000.

We make it clear that any one aggrieved of any action taken pursuant to the report of the Lokayukta shall be free to seek appropriate redress in appropriate proceedings before the appropriate court. We also make it clear that there is no challenge to the cancellation of the degrees by any one except the respondents herein and the intervenors and no other candidate shall either be necessary party to the proceedings before the Lokayukta or be entitled to question any findings



on the basis of the report submitted by him.

With the above observations, these appeals are allowed to the extent indicated above leaving the parties to bear their own costs.

The interim order of status-quo granted by this Court shall continue pending further orders which the University may make on the basis of report of the Lokayukta.”

In view of the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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