

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12839 of 2018

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1. Ravi Kumar Singh, Son of Shivcharan Prasad Singh, Resident of Satal Istamrar, P.O. & P.S.- Bahadurganj, District- Kishanganj.
 2. Md. Aasif Alam, Son of Md. Samiruddin, Resident of Satal Istamrar, Ward No.17, P.O. & P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The Chancellor of Universities of Bihar, Raj Bhawan, Patna.
2. The Government of Bihar, through the Principal Secretary, Department of H.R.D., Secretariat, Patna.
3. The Additional Secretary to the Hon'ble Chancellor of Universities of Bihar, Raj Bhawan, Patna.
4. The Director, Department of Higher Education, Patna, Bihar.
5. The Government of Bihar, through the Principal Secretary, Department of H.R.D., Secretariat, Patna.
6. The Purnea University, Purnea, through its Registrar.
7. The Vice Chancellor, Purnea University, Purnea.
8. The Examination Controller, Purnea University, Purnea.
9. The B.N. Mandal University, Madhepura, through its Registrar.
10. The Vice Chancellor, B.N. Mandal University, Madhepura.
11. The Examination Controller, B.N. Mandal University, Madhepura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8956 of 2018

1. Rahmani B. Ed. College, Munger, through its Secretary Zafar Abdur Kant Rahmani, Rahmani, Foundation, Munger.
2. M.G. B.Ed. College, Lakhisarai, through its Secretary, Anita Devi Ashok Dhar Chowk Lakhisarai.
3. Janvi B.Ed. College, Gandhi Katona, Jamui through its Secretary, Anil Kumar Singh, Gadi Kotina, Jamui.
4. B.Ed. Teacher's Training College, Khagaria through its Secretary, Shampat Kumar Rai.
5. Sai Teacher's Training College, Onama Sheikhpura through its Chairman Anjesh Kumar, Onama, Sheikhpura (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Education Department, Bihar, Patna.
2. The Chancellor, University of Bihar, Raj Bhawan, Patna.
3. The Tilka Manjhi University Bhagalpur through the Vice Chancellor, Bhagalpur.
4. The Vice Chancellor Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Munger University through its Vice-Chancellor, Munger



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 12839 of 2018)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Chancellor Mr. R.K.Giri

For BNMU Mr. P.N.Shahi

Mr. Ritesh Kumar

For Purnia University Mr. Rakesh Kumar Samrendra

Mr. Rashid Izhar

For the State : Mr. Ashutosh Ranjan Pandey- AAG-15

Mr. Vinay Kumar Mishra

(In Civil Writ Jurisdiction Case No. 8956 of 2018)

For the Petitioner/s : Mr. Bijay Kumar Pandey

For the State : Mr. Madanjeet Kumar- GP-20

For Tilka Manjhi University Mr. Ashhar Mustafa

For Munger University Mrs. Nivedita Nirvikar

For the Chancellor Mr. R.K.Giri

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 31-10-2018

With two separate amendments in Section 3 of the Bihar State Universities Act, 1976 (hereinafter referred to as 'the Act'), three new Universities have been created in the State of Bihar, namely, Patliputra University at Patna, Purnia University at Purnia and Munger University at Munger, after carving them out from three existing Universities in the State. Patliputra University and Purnia University have been carved out from the Magadh University at Bodhgaya and Bhupendra Narayan Mandal University at Madhepura and have accordingly been created by Bihar State Universities (Amendment) Act, 2016 (Bihar Act 13 of 2016), whereas Munger University has been created by division of Tilka Manjhi University, Bhagalpur by



Bihar State Universities (Amendment) Act, 2016 (Bihar Act 1 of 2017). The said amendments were to come into force with effect from the date, which the State Government, by a notification, issued. The State Government has issued the consequential notification accordingly.

2. Section 3 (1) of the Act defines the jurisdiction of the respective Universities created under the Act. Magadh University, before coming into force of the Amendment Act, 2016 with its headquarters at Bodhgaya (Gaya), had the jurisdiction over the whole of Magadh Division (excluding the colleges and falling under the jurisdiction of Patna University) and Patna and Nalanda Districts of Patna Division. Similarly, Bhupendra Narayan Mandal University, with its headquarters at Madhepura had the jurisdiction over whole of the Koshi and Purnia Divisions and Tilka Manjhi Bhagalpur University with its headquarters at Bhagalpur had the jurisdiction over the whole of the Bhagalpur Division. After coming into force of the Amendment Act, 2016, Patliputra University which has been carved out from the Magadh University, is to have territorial jurisdiction over Patna and Nalanda Districts of Patna Division except the colleges falling within the jurisdiction of Patna University. It appears that the Purnia Division has been carved



out from the Koshi Division. The Purnia University has been given the territorial jurisdiction over the whole of territorial jurisdiction of Purnea Division. Similarly, Munger University has been given the territorial jurisdiction over Munger, Khagaria, Jamui, Sheikhpura and Lakhisarai districts.

3. These two writ applications have been filed because of immediate situation emerging out of creation of Purnia University and Munger University leading to various controversies, complications and apprehensions, some of which are genuine, whereas some misplaced. The relief(s), which the petitioners are seeking in the present applications, appear to be diametrically opposite.

4. The petitioner in CWJC No. 8956 of 2018, which has been filed on 05.05.2018, are teachers training colleges which, upon division of Tilka Manjhi Bhagalpur University, fall within the territorial jurisdiction of Munger University. These colleges have apprehension that in the absence of basic infrastructure available and adequate system in place with the Munger University upon its creation, it may not be in position to hold the B.Ed. Examinations within the prescribed time schedule. They are seeking an order restraining the respondents from detaching these institutions from the earlier Tilka Manjhi



Bhagalpur University and attach them to the newly-constituted/created University. It is their case that newly-created Munger University does not have even the most fundamental requirements in terms of space for accommodating even the Vice-Chancellor of the University, let alone the infrastructure adequate to run the University smoothly.

5. The petitioners in CWJC No. 12839 of 2018, two in number, claim to be the students of different colleges failing under the Purnia Division, which now fall within the territorial jurisdiction of the newly-created Purnia University, on the other hand, have challenged a decision of the Chancellor's office communicating through letter dated 14.06.2018 to the divided Universities, whereby an interim arrangement has been made for holding the pending examinations by the Magadh University, Bodh Gaya, Tilka Manjhi Bhagalpur University, Bhagalpur and B.N.Mandal University, Madhepura of all those students admitted in the colleges which fall originally in Magadh University, Bodhgaya, Tilka Manjhi Bhagalpur University, and B.N.Mandal University, Madhepura, before the Amendment Act came into force. The said communication clarifies that the newly-created Universities shall be allowed to conduct the examinations of those students who would be enrolled in the



respective Universities from the session 2018-19 onwards. It is their specific case that the said three Universities lost their jurisdiction over the institutions after the Amendment Acts came into force with the issuance of notification by the State Government and the colleges now fall under the territorial jurisdiction of the newly-created Universities by operation of law and, therefore, the said decision of the office of the Chancellor is in teeth of law and beyond jurisdiction.

6. When CWJC No. 8956 of 2018 (**Rahmani B.Ed. College and others vs. The State of Bihar and others**) was taken up on 09.05.2018, responding to the apprehension of the petitioners that the examination would not be held as per the schedule in the absence of infrastructure, learned counsel for the Chancellor and Munger University assured this Court that the examination would be held in accordance with the academic calendar.

7. It seems that it was in view of certain observations made by this Court, while hearing CWJC No. 8956 of 2018 that the Chancellor's office constituted a Committee, headed by the Chancellor himself and three other Vice-Chancellors of the Universities in the State of Bihar for resolving the issues. The three Vice-Chancellors deliberated upon the issue as to which



University shall hold examination of the students admitted prior to the creation of the new Universities and in its meeting held on 13.06.2018, the Committee resolved to decide as follows:-

- “1. The Committee discussed the related issues in detail in the light of statutory provision, existing Regulations and practical considerations.
2. The Committee resolves that the new universities, viz, Patliputra University, Patna, Munger University, Munger and Purnea University, Purnea may be allowed to conduct emanations as of those students who will be enrolled in the respective universities from the session 2018-19 onwards.
3. It is further resolved that students admitted in previous sessions in the parent Universities will continue to remain students of the parent Universities till the Degree is awarded to them. The newly constituted Universities must bear the responsibility to facilitate the parent Universities in conducting the classes and examinations.
4. It is also resolved that the existing Ordinance, Regulations and Statues of parent universities shall remain effective until the new universities frame their own.”

8. A clarification was accordingly issued by the Chancellor's office to all the six Universities, through a letter dated 14.06.2018, in relation to the pending examinations after creation of new Universities, which endorsed the view of the Committee so constituted. On 21.06.2018, a copy of the said



communication dated 14.06.2018 was presented by learned counsel for the Chancellor before this Court, upon which the following observation was made by me in CWJC No. 8956 of 2018:-

“A copy of the letter dated 14.06.2018 has been produced by Mr. Giri, learned counsel for the Chancellor, from which it appear that consequence of amendment in Bihar State Universities Act, 1976, has not been duly appreciated. The Court is of the view that whereas the Munger University, for the purpose of facilitating examinations, may take all kinds of assistance from Tilka Manjhi Bhagalpur University, Bhagalpur, jurisdiction of Munger University over the Colleges falling within its territorial jurisdiction is to remain intact in accordance with the provisions of the Act. By operation of the Amendment Act, the Colleges falling within the territorial jurisdiction of Munger University, have become Colleges affiliated with the Munger University and only Munger University can have the jurisdiction to award degree. This is my tentative view.”

9. The Universities were directed to file their counter affidavits, whereupon a counter affidavit has been filed on



behalf of Munger University. Thereafter, Ravi Kumar Singh and Md. Aasif Alam filed CWJC No. 12839 of 2018, claiming themselves to be the students of the Colleges falling under the newly-created Purnia University, raising a grievance against the decision of the office of the Chancellor, as communicated to the Universities through letter dated 14.06.2018 (supra).

10. There is a peculiar aspect that on the one hand, the Munger University, in its counter affidavit in CWJC No. 8956 of 2018, has taken a stand that it will hold examinations for all the students, who take admissions for the session 2018-19 and onwards of all the courses, including B.Ed., and the present examination shall be conducted by the Tilka Manjhi Bhagalpur University, Bhagalpur, in the light of the decision of the Chancellor's office, Purnia University has taken a stand that the University is capable of holding examinations and conduct of academic work as, according to the University, it has become fully functional within a short span of time, despite the limitations.

11. It is the stand of the Chancellor's office, as taken in the counter affidavit filed that there would be certain practical problems which would have arisen had the decision was not taken for holding of the examinations of the students by the



respective Universities with which they were originally registered and making arrangement that the newly-created University shall hold the examinations of such students who are admitted in the colleges/institutions of the University for the session 2018-19 onwards. The practical difficulties have been outlined in paragraph 8 of the counter affidavit filed in both the cases which read thus:-

“Some of the practical problems which could have arisen if the same was not done are enumerated below:

The process started by old University shall have to be completed by that University.

In three year degree course, the old University has completed part of the examinations e.g. Part 1 in 3 yr degree course. And some of the students have passed, some promoted {promoted will have to clear papers in which they have failed in subsequent exams of Part II-if subsequent exams are taken by new University then it will be against UGC norms that exam of one paper has been conducted by one University and that of other paper is being conducted by other University.

Problem in issuance of transcripts later on:-

Transcripts are details of courses conducted, examinations held and marks given. For one



exam (read 3 yr degree course) transcript of two or more University are not valid worldwide. Transcripts are required worldwide for jobs and admissions e.g. in American and European University}. If in transcripts the University gives certificate for courses such as for 2016-18 and the University itself is established in 2018, it will raise eyebrows and the student will have to suffer worldwide. University formation is taking place in phases. The Chancellor is concerned with quality of exam, quality of teaching and maintenance of calendar.

Practicability:

Results are pending because marks of one part are not easily retrieved while tabulating final results. In almost all University pending percentage is high, sometimes even more than 50%. If two Universities are involved in, it will be almost impossible to retrieve from other University.

Backlogs of results:

Many Universities have big back log of exams. Even 2016-17 exams are due. University established in 2018 cannot award degree for the examination of 2016, for example. If the same is done then again the problems with transcripts will come in.

Registration of student in any University:-



It is a sort of agreement between the student and the University. Registration cannot be transferred midway. Any course started by one University shall have to be completed by that very University.

New Universities are yet to be recognized by the University Grants Commission:

The new Universities are still in the process of UGC recognition. Under 2F of the UGC Act, the Munger University has sent application for recognition under 22B and 2F of the UGC Act, but it is yet to be recognized. Thus the non-recognition of the newly created Universities by the UGC would nullify the degree awarded by them.

Precedence:

In earlier bifurcations too eg when VKSU was established carving out from the erstwhile Magadh University 1992, only the courses started by new University were taken care of by the new one.”

12. Nonetheless, in view of clear language of the Amendments in the Act and subsequent notification issued by the State Government, leading to creation of those Universities giving them their respective territorial jurisdiction, without leaving any scope for exception therein which would have allowed the Universities from which the newly-created



Universities were carved out to hold examinations of students falling under the newly-created institutions, a question arose whether the office of the Chancellor could take a decision by making such practical arrangements, diluting the statutory provisions. Considering the significance of the legal issues involved, this Court requested Mr. Lalit Kishore, learned Advocate General, Bihar to extend his assistance, by order dated 06.08.2018, pursuant to which, he appeared and made his submissions.

13. Mr. Lalit Kishore made a very short submission on the question of the Chancellor's jurisdiction to issue direction, as contained in the letter dated 14.06.2018 by referring to Section 9(7) (ii) of the Act, which reads thus:-

“9(7)(ii) The Chancellor shall have the power to issue direction to the Universities in the administrative or academic interest of the Universities which he considers to be necessary. The direction issued by the chancellor shall be implemented by the Vice-Chancellor, Syndicate, Senate and other bodies of the Universities, as the case may be.”

14. Referring to the said provisions, he would contend that, in the present facts and circumstances, both the



administrative and academic interest of the newly-created Universities were involved, which did not have the immediate wherewithal and infrastructure to hold examinations. He contends that the intervention of the Chancellor's office became essential, since it would have been otherwise detrimental to the academic interest of the Universities and the students of the colleges/institutions falling under the newly- created Universities.

15. I have heard Mr. Sanjay Kumar, learned counsel, appearing on behalf of the petitioners in CWJC No. 8956 of 108 and Mr. Sunil Kumar Singh, learned counsel, appearing on behalf of the petitioners in CWJC No. 12839 of 2018. Mr. R.K.Giri, learned counsel has rendered assistance on behalf of the office of the Chancellor. Mr. P.N.Shahi, learned Senior Counsel, duly assisted by Mr. Ritesh Kumar, learned counsel, has argued on behalf of B.N.Mandal University, Madhepura. Mr. Rakesh Kumar Samrendra, assisted by Mr. Rashid Izhar, has represented the Purnia University, whereas Mrs. Nivedita Nirvikar has represented the Munger University. The State has been represented by the learned AAG-15 Mr A.R.Pandey with Mr. Vinay Kumar Mishra and Mr. Madanjeet Kumar, learned G.P.-20 for the State. Mr. Ashhar Mustafa has appeared for



Tilka Manjhi University, Bhagalpur.

16. In order to address the central issue which these writ applications involve, I am first required to notice Section 3 of the Act, which prior to the amendments read thus:-

3. Establishment and incorporation of Universities:- (1) The following universities shall be established 'from the date of commencement of this Act':-

(a) Baba Saheb Bhimrao Ambedkar Bihar University having the headquarters at Muzaffarpur and the jurisdiction over the whole of the Trihut Division.

(b) Jai Prakash University having the headquarters at Chapra and the jurisdiction over the whole of the Saran Division.

(c) Tilka Manjhi Bhagalpur University having the headquarters at Bhagalpur and the jurisdiction over the whole of the Bhagalpur Division.

(d) Sidhdhu Kanhu University having the headquarters at Dumka and the jurisdiction over the whole of the Dumka Division.

(e) Ranchi University having the headquarters at Ranchi and the jurisdiction over the whole of the



South Chotanagpur Division.

(f) Vinoba Bhave University having the headquarters at Hazaribagh and the jurisdiction over the whole of the North Chotanagpur Division.

(g) Magadh University with headquarters at Bodhgaya (Gaya) and the jurisdiction over the whole of the Magadh Division and (excluding the Colleges falling under the jurisdiction of Patna University) Patna and over Nalanda District of Patna Division.

(h) Vir Kunwar Singh University having the headquarters at Arrah and the jurisdiction over the remaining parts of the Patna Division excluding Patna and Nalanda Districts.

(I) Lalit Narain Mithila University having the headquarters at Darbhanga and the jurisdiction over the whole of the Darbhanga Division.

(j) Bhupendra Narain Mandal University having the headquarters at Madhepura and the jurisdiction over the whole of the Koshi and Purnea Divisions

(k) Kameshwar Singh Darbhanga Sanskrit University having the headquarters at Darbhanga and the jurisdiction over the whole of the State



of Bihar

(1) Maulana Mazharul Haque Arabic and Persian University having the headquarters at Patna and the jurisdiction over the whole of the State of Bihar, shall, for development of higher standard studies in Arabic and Persian be established by the State Government with effect from the date of notification in the Official Gazette:

Provided that the State Government may, by notification, in the Official Gazette, determine the functions and other duties of this University:

Provided further that the State Government may, by notification, in the Official Gazette, change the territorial jurisdiction of the Universities.

2. The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).



3. The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government published in the official gazette, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognized by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act.”

17. Following amendments which have been introduced through the Bihar State Universities (Amendment) Act, 2016 (Bihar Act 13 of 2016) and Bihar Act 1 of 2017 in section 3 of the Act, section 3 would read thus:-



3. Establishment and incorporation of Universities._(1)The following universities shall be established from the date of commencement of this Act:-

(a) Baba Saheb Bhimrao Ambedkar Bihar University having the headquarters at Muzaffarpur and the jurisdiction over the whole of the Trihut Division.

(b) Jai Prakash University having the headquarters at Chapra and the jurisdiction over the whole of the Saran Division.

(c) Tilka Manjhi Bhagalpur University having the headquarters at Bhagalpur and the jurisdiction over the whole of the Bhagalpur Division.

(d) Magadh University with headquarters at Bodhgaya (Gaya) and the jurisdiction over the whole of the Magadh Division and (excluding the Colleges falling under the jurisdiction of Patna University) Patna and over Nalanda District of Patna Division.

(e) Vir Kunwar Singh University having the headquarters at Arrah and the jurisdiction over the remaining parts of the Patna Division excluding Patna and Nalanda Districts.

(f) Lalit Narain Mithila



University having the headquarters at Darbhanga and the jurisdiction over the whole of the Darbhanga Division.

(f) The Bhupendra Narain Mandal University headquarters of which will be at Madhepura and territorial jurisdiction of which will be the whole of the Koshi Division.

(h) Kameshwar Singh Darbhanga Sanskrit University having the headquarters at Darbhanga and the jurisdiction over the whole of the State of Bihar

(i) Maulana Mazharul Haque Arabic and Persian University having the headquarters at Patna and the jurisdiction over the whole of the State of Bihar, shall, for development of higher standard studies in Arabic and Persian be established by the State Government with effect from the date of notification in the Official Gazette.

(j) Purnia University may be established from the date notified in the official gazette by the State Government, by notification, headquarters of which will be at Patna and territorial jurisdiction of which will be at Purnia and the territorial jurisdiction of which will be whole of



territorial jurisdiction of Purnia Division.

(k) Patliputra University may be established from the date notified in the official gazette by the State Government, by notification, headquarters of which will be at Patna and territorial jurisdiction of which will be territorial jurisdiction of Patna and Nalanda districts of Patna Division except the colleges falling within the jurisdiction of the Patna University.

(l) Munger University may be established by division of Tilka Manjhi Bhagalpur University, Bhagalpur from the date notified in the Official Gazette by the State Government, by notification, headquarters of which will be at Munger and the territorial jurisdiction of which will be effective in the whole of Munger Division.”

Provided that the State Government may, by notification, in the Official Gazette, determine the functions and other duties of this University:

Provided further that the



State Government may, by notification, in the Official Gazette, change the territorial jurisdiction of the Universities. (emphasis added)

2. The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).

3. The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government published in the official gazette, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognized by or seek admission to any privileges of any other University incorporated by law in India, and any



such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act.”

18. A bare reading of section 3 of the Act, makes it clear that each of the Universities under the Act, has been allocated their respective territorial jurisdiction. There are two *provisos* to sub-section(1) of Section 3 of the Act. The first *proviso* confers upon the State Government the jurisdiction to determine the functions and other duties of the University, by notification. The second *proviso* confers upon the State Government to change the territorial jurisdiction of the Universities.

19. Section 9(7)(ii) of the Act, which has been quoted above, on the other hand, gives the Chancellor a general power to issue directions to the Universities in the administrative and academic interest of the of the Universities, which he considers to be necessary.

20. On the one hand, there is specific jurisdiction vested in the State of Bihar to determine functions and other duties of the Universities under the first *proviso* and to change even the



territorial jurisdiction of the Universities, despite territorial jurisdiction of the respective Universities having been incorporated in the main provision, in my view, it was the State Government which ought to have taken a decision in the prevailing circumstance instead of the Chancellor issuing the direction exercising general and residuary power under section 9(7) (ii) of the Act in order to deal with the emergent situation. In my opinion, at the time of issuance of desired notification, leading to creation of the new Universities, the State Government ought to have made Provisions determining function and other duties of the Universities, if the situation so warranted. Considering the practical difficulties which the students and the newly-created Universities might have had to face because of the creation of the new Universities, without adequate infrastructure and the manpower in place to hold examinations, emergent decision by the office of the Chancellor, as communicated to the Universities through letter dated 14.06.2018, cannot be said to be unwarranted since it would have had otherwise serious consequences, touching adversely the fate of the students for whose benefit the new Universities have been created and established. The impugned decision of the Chancellor, therefore, needs no interference by this Court.



21. Under the scheme of the Act, the power vested in the executive government in respect of creation, management and determining of the functions and duties of a University is wide, as is evident from the language of the two *provisos* to subsection (1) of Section 3 of the Act. The State Government, as has been noticed, has been given the power to alter the territorial jurisdiction of a University by publication of notification in the official gazette, which power is not vested even in the Chancellor. The Chancellor cannot alter the territorial jurisdiction of a University, in any circumstance and there being no such power vested in him, in my view, it is because of the failure on the part of the State Government to take a call keeping in mind various situations arising out of creation of the new Universities that the office of the Chancellor had to invoke his general power, as vested in section (9)(7) (ii) of the Act.

22. As a matter of fact, the petitioners in CWJC No. 8956 of 2018 have raised no grievance against the decision of the Chancellor since, according to them, their interest and the interest of the students studying in those B.Ed. Colleges stand protected in view of the decision of the office of the Chancellor. There are only two students in CWJC No. 12839 of 2018 who have questioned the decision of the office of the Chancellor.



Since, in my view, their interest is in no way is going to be jeopardized because of the decision of the Chancellor's office dated 14.06.2018, I do not find that they can have any genuine grievance to maintain the writ application. In the aforesaid background, I do not intend to interfere in the matter.

23. I however, direct the Principal Secretary, Education Department, Govt. of Bihar, to ensure that necessary decisions are taken, addressing various issues arising out of creation of these Universities in better academic and administrative interest of the newly-created Universities by invoking various provisions of the Act, specially the *proviso* to sub-section (1) of Section 3 of the Act. Such decision must be taken and duly notified expeditiously, since it is obvious that there would be so many issues arising out of carving out of the new Universities.

24. Last but not the least, the Court has been given an impression that despite lapse of nearly two years, the exercise of apportionment and transfer of officers, teachers and servants, as contemplated under section 70B of the Act, has not been completed, which is also giving rise to enormous complications, including lack of manpower, in terms of teachers, officers, and other servants in the newly-created Universities. In the absence



of adequate number of officers, teachers and servants, the newly-created Universities cannot discharge various statutory functions which they are required to discharge, in accordance with law, and the grievance of the nature, which the petitioners have raised in the present writ applications, will keep on coming from various quarters, from time to time.

25. I accordingly direct the State Government through its Principal Secretary, Education Department, Govt. of Bihar to take immediate steps in this direction and complete the process of apportionment at least before April, 2019, so that the coming academic sessions may begin with ease.

26. With the direction and observation, as noted above, both the writ applications stand disposed of.

(Chakradhari Sharan Singh, J)

HR/-

AFR/NAFR	AFR
CAV DATE	Nil
Uploading Date	31.10.2018
Transmission Date	

