

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17118 of 2020

Arising Out of PS. Case No.-130 Year-2016 Thana- VIGILANCE District- Patna

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DINESH PRASAD SINHA S/o Late Ram Dhani Singh Resident of Mohalla-
New Harnichak, Phulwari, Patna, South of Ram Lakhan Singh Yadav College,
Patna, P.S.- Beur, Distt- Patna.

... .. Petitioner/s

Versus

THE VIGILANCE INVESTIGATION BUREAU GOVT. OF BIHAR,
PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bibhakar Tiwary
For the Opposite Party/s	:	Mr.Arvind Kumar
For V.I.B.	:	Mr. Anil Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-11-2020 The learned counsel for the parties were heard yesterday at length and today, the present case is listed under the heading “For Orders”.

This case has been instituted on the basis of the written report of the informant namely Akhilendra Kr. Singh, Police Inspector alleging therein that as per the directions contained in the letter of the Human Resource Department, Government of Bihar, Patna dated 22.02.1993, all the Colleges were directed neither to appoint any teaching or non-teaching staff nor to alter the list of teaching and non-teaching employees of the affiliated Colleges. In light of the aforesaid letter dated 22.02.1993, the Magadh University had also issued a letter



dated 22.04.1993, directing the Presidents, Secretaries and Principals of all the Colleges to follow the aforesaid Govt. directions. It is further alleged that in violation of the above directions, the accused persons including the petitioner herein, the then representative of Magadh University, appointed 70 teaching and 40 non-teaching employees, ignoring the U.G.C. norms on 29.07.2005 and had also distributed salary worth of Rs. 89,70,000/- and committed financial irregularities and illegality. It is also alleged that during the year 2005-07, huge sums of money was paid to 125 teachers and non teaching staff without their presence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that at the relevant time, the petitioner was serving as representative of the University and in that capacity, he was the member of the governing body of D.N. College, Masaurhi, Patna. It is submitted, by referring to a report of the three men committee dated 12.12.2009, that inquiry was made with regard to appointment of teaching and non-teaching staff in the said D.N. College, Masaurhi, Patna and it was found that there was no irregularity except that the roaster was not followed. It is



further submitted that the petitioner has got no role in distribution of the performance Grant-in-Aid, received from the State Government, since he was a member of the governing body merely in the capacity of being the University representative. It is also submitted that the petitioner has served in various capacity as distinguished teacher, Principal and Vice Chancellor. Lastly, it is submitted that a co-accused person has already been granted bail by a co-ordinate Bench of this Court vide Order dated 04-07-2017 passed in Criminal Miscellaneous No.11563 of 2017.

Per contra, the learned counsel for the Vigilance Sri Anil Singh, Advocate has submitted that the Ministry of H.R.D. Government of Bihar had issued a letter dated 22.02.1993, by which all the Colleges of Bihar were directed to neither appoint any teaching or non-teaching staff nor to alter the list of teaching and non-teaching employees of the affiliated Colleges. In fact the Magadh University had also issued a letter dated 22.04.1993 to various Colleges including the said D. N. College to comply with the aforesaid direction of the Government of Bihar. It is further submitted that on 29.07.2005, the accused persons including the petitioner herein had appointed 70 teaching and 40 non-teaching employees ignoring the U.G.C.



norms. Thereafter, again in the year 2007, 23 teaching and 28 non-teaching employees were appointed without following the norms. The learned counsel for the Vigilance has also submitted that the petitioner has disobeyed the letter of the State Government as also that of the Vice Chancellor, Magadh University and made illegal appointments. The learned counsel for the Vigilance has referred to the Minutes of Meeting of the governing body dated 29.07.2005, which can be found at page no. 28 of the present petition to show that the Chairman of the governing body was absent for one day i.e. on 29.07.2005 and in his absence, the meeting of the governing body was held under the Chairmanship of the petitioner and an illegal decision was taken to appoint several teachers, which itself depicts the complicity of the petitioner in the alleged occurrence. It is further submitted that the said teachers appointed on the basis of illegal act of the petitioner have been paid huge sums of money by way of salary without ensuring their attendance in the College register resulting in wrongful loss to the Government. Lastly, it is submitted that the aforesaid case i.e. Cr. Misc. no. 11563 of 2017, wherein a co-accused person has been granted bail stands on a different footing, inasmuch as the petitioner of the said case is stated to be aged about 90 years.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also considering the materials available on record and in the case diary, this Court finds that a *prima facie* case is definitely made out against the petitioner for the offences alleged specially in view of the fact that despite there being a specific direction to all the Colleges by the State Government, issued vide letter dated 22.02.1993, to neither appoint any teaching or non-teaching staff nor make any change in the list of teaching and non-teaching staff, still the petitioner, who was then the representative of the University in the Governing body of the aforesaid College namely D.N. College, Masaurhi, Patna, in connivance with other accused persons had illegally called a meeting on 29.07.2005, when the Chairman of the governing body was absent and had made appointments of 70 teaching and 40 non-teaching staffs illegally, in violation of the rules prescribed by the U.G.C. and that too without even publication of advertisement in the newspaper, hence I do not find any merit in the prayer of the petitioner for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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