

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23838 of 2019

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Dr. Quazi Md. Kamran, S/o Quazi Md. Imran, R/o Idgah, Barahpura, P.S.-
Ishakchak, Dist.- Bhagalpur.

... .. Petitioner

Versus

1. The T. M. Bhagalpur University, Bhagalpur, through its Registrar.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Registrar, T.M. Bhagalpur University, Bhagalpur.
4. The CCDC/OSD, T.M. Bhagalpur University, Bhagalpur.
5. The Director, MBA Programme, T.M. Bhagalpur University, Bhagalpur.
6. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
7. The Director, Higher Education Department, Govt. of Bihar, Patna.
8. The Honble Chancellor of Universities, Raj Bhawan, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Jha
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-01-2020 Heard learned counsel for the petitioner, learned

counsel for the State as well as learned counsel for Tilka Manjhi

Bhagalpur University, Bhagalpur.

The petitioner seeks following relief(s) in the present
writ application:

(i) Issuance of an order, direction or a writ in the nature of Mandamus commanding the respondents concerned to sanction sufficient number of teaching posts in the Department of Master Business Administration Programme of the T.M.Bhagalpur University, Bhagalpur, so that like



other courses, teaching in the Department of Master Business Administration Programme in the Respondent University may be easily conducted.

AND CONSEQUENT UPON THE SANCTION OF SUCH POSTS FOR THE DEPARTMENT OF MASTER BUSINESS ADMINISTRATION PROGRAMME IN THE RESPONDENT UNIVERSITY

(ii) A writ in the nature of Mandamus may kindly be issued by this Hon'ble Court, commanding the Respondents concerned to make regular appointment of Teaching Employees against such sanctioned posts, upon granting due weightage to the petitioner for his past working experience in the said department of Master Business Administration Programme of the Respondent University.

AND UNTIL THE SAID REGULAR APPOINTMENT IS MADE, IN THE DEPARTMENT OF MASTER BUSINESS ADMINISTRATION PROGRAMME IN THE RESPONDENT UNIVERSITY

(iii) A writ in the nature of Mandamus may kindly be issued by this Hon'ble Court, commanding the Respondents concerned not to disturb the functioning of the petitioner in the Department of MBA of the Respondent University in any manner, since there have been no adverse remark from any corner as to the functioning/ability of the petitioner as a teacher in



the Department of MBA of the Respondent University.

(iv) For grant of any other relief or relieves to which the petitioner may be found entitled to in the facts and circumstances of this case.”

From the averments made in this writ petition, it appears that there is simple proposal to start a Master of Business Administration in Tilka Manjhi Bhagalpur University, Bhagalpur and no proposal was sent to the Human Resources Department for grant permission to start the study of Master of Business Administration and to sanction the teaching and non-teaching staff of the Department. It is purely Administrative function of the Human Resources Department, Govt. of Bihar and this Court in writ jurisdiction, in my view, cannot issue writ/ direction to the Government to start a course and sanction the teaching and non-teaching staff for establishment of the Department. Thus, I do not find any merit in this case. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J.)

nawalkrs/-

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