

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8352 of 2020**

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Abrar Alam, aged about 51 years, Gender-Male, S/o Late Md. Ajmal In-charge Principal Mohammad Hussain Azad National Degree College (M.H.A.N. Degree College), At Bashir Nagar, P.S.- Thakurganj, District Kishanganj.

... .. Petitioner

Versus

1. The Purnea University, Purnea through its Registrar.
2. The Vice- Chancellor, Purnea University, Purnea.
3. The Registrar, Purnea University, Purnea.
4. Md. Muzammil Haque, aged about 50 years, Gender-Male, S/o- Not Known Resident of Village and P.O.- Ashja, P.S. and District- Kishanganj.

... .. Respondents

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**Appearance :**

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| For the Petitioner  | : | Mr. Amaresh Kumar Singh,<br>Mr. Onkar Kumar, Advocate |
| For the University  | : | Mr. Rakesh Kumar Samrendra, Advocate                  |
| For Respondent No.4 | : | Mr. Satish Chandra Mishra, Advocate                   |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

4      25-06-2021                      Heard Mr. Amaresh Kr. Singh learned counsel appearing on behalf of the petitioner, Mr. Rakesh Kumar Samrendra, learned counsel appearing on behalf of the University as well as Mr. Satish Chandra Mishra, learned counsel appearing on behalf of respondent no. 4.

The short question raised by learned counsel appearing on behalf of the petitioner for consideration is that neither the Bihar Universities Act nor Statute permits the University to appoint respondent no. 4 as Professor Incharge of Mohammad Hussain Azad National Degree College, Bashir



Nagar, Thakurganj, District Kishanganj (in short, 'the Degree College). He submits that under the Statute it is prerogative of the Governing Body and the Governing Body alone. University has absolutely no jurisdiction to usurp power and function of the Governing Body and appoint respondent no. 4 as Professor Incharge.

Mr. Rakesh Kumar Samrendra, learned counsel for the University with reference to the counter affidavit, would submit that the University has taken decision in the larger interest of the Degree College in question.

Mr. Satish Chandra Mishra, learned counsel appearing on behalf of respondent no. 4 tries to canvass before this Court that the institution is affiliated by the University and as such the University has every jurisdiction with regard to affairs of the affiliated college.

Considering the rival submissions of the parties and after going through the provisions of the Bihar Universities Act and Statute, the Court comes to the conclusion that the Governing Body of the College has exclusive jurisdiction with regard to appointment of Principal/Professor Incharge of the College and that power cannot be exercised by the University. In view of the above, the Court finds that the action of the



respondents in appointing respondent no.4 as Professor Incharge of Degree College is without jurisdiction.

In view of the aforesaid, the writ application is allowed. The impugned order as contained in Annexure-1 so far as it relates to appointment of respondent no. 4 as Professor Incharge of Degree is quashed.

**(Anil Kumar Upadhyay, J)**

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