

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3609 of 2021

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Ajay Shankar Singh, Son of Pawan Kumar Singh, resident of Village-Baruhi,
Bajrean, P.S.-Sahar, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The Chancellor of the Universities, Bihar.
2. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar.
3. The Vice Chancellor, Veer Kunwar Singh University, Ara.
4. The Registrar, Veer Kunwar Singh University, Ara.
5. The Vice Chancellor, Lucknow University, Lucknow-226007 (Uttar
Pradesh).
6. Prof. Devi Prasad Tiwari, presently Vice Chancellor, Veer Kunwar Singh
University, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Sinha, Advocate

For the Respondent/s : Mr. Jitendra Kumar Rai, SC 11
Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-06-2021 Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) For issuance of writ in the nature of certiorari
for quashing of the letter no. BSU (VC)-29/2018-
822/GS (1) dated 09-03-2019 issued by the Principal
Secretary to His Excellency the Chancellor, Bihar
whereby the respondent no.6 has been appointed as
Vice Chancellor of Veer Kunwar Singh University,
Ara for a period of three years from the date he



assumes the charge of the office.

(ii) For holding that the respondent no.6 has been appointed as Vice Chancellor on 09-03-2019 ignoring the fact that upon verification made from Lucknow University, it was communicated by the Lucknow University on 27-02-2019 itself that upon the orders of His Excellency the Governor of Uttar Pradesh, an enquiry has been set up against respondent no.6 which is still pending.

(iii) For holding that the respondent no.6 is not eligible to hold the post of Vice Chancellor in terms of Rule-10 (1) of the Bihar State Universities Act, 1976 as he is an accused in a criminal case bearing Hasanganj P.S. Case No. 0165/2018 lodged under section-406 and 506 of the IPC. Section-10 (1) mandates that no person shall be deemed to be qualified to hold the post of Vice Chancellor unless such person is in the opinion of the Chancellor, reputed for his scholarship and academic interest. When the respondent no. 6 is an accused in a criminal case and an enquiry is pending against him in Lucknow University in connection with the said criminal case, there is no basis for the opinion of the Hon'ble chancellor that he is reputed for his scholarship and academic interest.

(iv) For holding that the respondent no.6 is now not eligible to hold the post of Vice Chancellor because the Senate of the Lucknow University in its meeting dated 20-03-2020 has refused to grant extraordinary leave to the respondent no.6 on account of pendency of enquiry against him for working as Vice Chancellor of Veer Kunwar Singh



University and as such, the respondent no. 6 is required to join on his original post of professor, Ancient Indian History and Archaeology and cannot hold the post of Vice Chancellor in terms of Rule-10 (3) of the Bihar State Universities Act, 1976.

(v) For holding that the respondent no.6 is acting prejudicial to the interest of the University inasmuch as against the direction of the State Govt. and against the provision contained in Section-35 of the Bihar State universities Act, 1976, he has made large number of appointments on contract basis without any approval from the State Govt.

(vi) For restraining the respondent no.6 from functioning as Vice Chancellor, Veer Kunwar Singh University, Ara during the pendency of this writ application.

(vii) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.

We find that with the passage of time the present petition has become infructuous, inasmuch as the competent authority has already taken cognizance of the issue, subject matter of the present petition.

We are hopeful that the appropriate action, in taking the matter to its logical conclusion, shall be taken at the earliest.

With the aforesaid observation, the present petition stands disposed of. However, liberty reserved to the petitioner to agitate the issue with the appropriate authorities.



Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/PKP

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