

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2697 of 2021

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Satish Kumar Sharma, S/O Late Sri Vinay Sharma, Village and Post Office -SadayBigha, P.S.- Barhiya, District Lakhisarari, Bihar- 811302, and Present address- 606, Tara Tower, Shastri Nagar, Patna-800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna 800015,
2. The Hon'ble Chancellor of Universities, Bihar, through the Principal Secretary, Governor's Secretariat, Raj Bhawan, Patna- 800022,
3. The Principal Secretary, Governor's Secretariat, Bihar, Raj Bhavan, Patna-22
4. The Principal Secretary, Education Department, Government of Bihar, Vikah Bhavan, New Secretariat, Patna-800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
For the Respondent/s : Mr. Pawan Kumar (AC to AG)

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“I. For issuance of any appropriate writ in the nature of the mandamus or any other Writ(s), Order(s) or Direction (s) to quash the notification memo No. BSU (AKU VC)-20/2017-2016/GS(I), dated 18.09.2020, Annexure-1, issued under the signature of Respondent no.3, the Principal Secretary, Governor's Secretariat, Bihar, Patna, violating Section 3(j), Chapter-(j), Chapter-I of the Statutes of the University, Aryabhata Knowledge University, Patna, read with



Section 2(36) of the Aryabhatta Knowledge University Act, 2008, with respect to assign to perform the duty of the post of Vice Chancellor, Aryabhatta Knowledge University, (AKU), Patna, a person of tainted integrity and a proven liar.

II. For issuance of any appropriate writ in the nature of the mandamus or any other Writ(s), Order(s) or Direction(s) to direct the Respondent no.2, the Hon'ble Chancellor of Universities, Bihar, to take an appropriate action, against Prof. Syed Mohammad Karim, Pro. Vice Chancellor, AKU, Patna, due to his proven acts of tainted integrity, conspiracy and connivance, which is evident from the observations and recommendations in the report the Fact Finding Committee of three Vice- Chancellors, Annexure-2, constituted by the Order of the Respondent No.2, the Hon'ble Chancellors of Universities, Bihar.

III. for issuance of any appropriate writ in the nature of the mandamus or any other Writ(s), Order(s) or Directions(s) direct the Respondent no.3, the Principal Secretary, Governor's Secretariat, Patna, and the Respondent No.4 the Principal Secretariat, Education Department, Department, Government of Bihar to assure the implementation of the directions sent to the Vice-Chancellor, Aryabhatta Knowledge University, Patna, vide letter no. 1448, dated 09.05.2019, Annexure-3, issued by Governor's Secretariat, Bihar, by the order of the Hon'ble Chancellor of Universities, Bihar, on due consideration of the report of enquiry. Due to non-compliance of this lawful and reasonable Order of the Hon'ble Chancellor of Universities, Bihar, Sri Rajeev Ranjan, In-charge Registrar, AKU, Patna an ineligible person, is illegally getting financial benefits to the post of Registrar AKU, Patna that is a huge loss of public money of the State of Bihar.

IV. For issuance of any appropriate writ in the



nature of the mandamus or any other Writ(s), Order(s) or direction(s) to direct the Respondent No.2, the Hon'ble chancellor of Universities, Bihar, to take action against the Respondent No.3, the Principal Secretary, Governor's Secretariat, Patna, who is sitting over many complaint letters of the petitioner, including a complaint on affidavit dated 28.05.2020 followed by three consecutive reminder letter, and also he failed to assure the implementation of the lawful order of the Hon'ble Chancellor of Universities, Bihar, directed to the Vice-Chancellor, Aryabhatta Knowledge University, Patna, vide letter no. 1448, dated 09.05.2019, issued by the Officer on Special duty governor's Secretariat, Bihar, by the order of the Hon'ble Chancellor of Universities, Bihar, on due consideration of the report of enquiry.

V. Any other relief or reliefs which may be deemed fit and proper by the Hon'ble Court in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.



Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and



subsequent cause of action;

(g) We have not expressed any opinion on merits.

All issues are left open;

(h) The proceedings, during the time of current
Pandemic- Covid-19 shall be conducted through digital mode,
unless the parties otherwise mutually agree to meet in person
i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

