

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7024 of 2022

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Sachindra Kumar Singh, Son of Late Bishwanath Prasad Singh, resident of Mohalla Ward no. 30, University Quarter no. 1 Khabra Road Bhagwanpur, P.S.- Kazi Mohmmadpur, District- Muzaffarpur.
Presently acting as Vice Chairman of Indian Philosophy Congress (I.P.C.) founded by Gurudev Rabindra Nath Tagore and Dr. Sarvapali Radhakrishnan in 1925 Calcutta.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary of Education Department, Govt. of Bihar, Patna.
3. The Chancellor of University of Bihar Cum Governor of Bihar through its Principal Secretary of the Raj Bhawan/ Governor House Patna.
4. The Principal Secretary to the Chancellor Raj Bhawan, Patna
5. The Chairman of Search Committee for the recommendation of the name of applicants to the appointment on the post of Vice- Chancellor and Pro Vice Chancellor of the Universities in Bihar namely Mr. Surendra Pratap Singh at present Vice- Chancellor of Lalit Narayan Mithila University, Darbhanga.
6. The Member of Search Committee, for the recommendation of the name of applicants to the appointment on the post of Vice- Chancellor and Pro Vice Chancellor of the Universities in Bihar namely Mr. Hanuman Prasad Pandey at present Vice- Chancellor of BRA Bihar University Muzaffarpur.
7. Mr. Raj Nath Yadav, the Vice Chancellor of Purnea University Purnea.
8. Mr. Krishna Chandra Singh, the Vice- Chancellor of Nalanda Open University, Patna.
9. Smt. Shyama Roy, the Vice Chancellor of Munger University
10. Mr. R.K. Singh, the Vice Chancellor of Patliputra University, Patna
11. Mr. Surendra Pratap Singh, the Vice Chancellor of Lalit Narayan Mithila University, Darbhanga.
12. Md. Quddus, the Vice Chancellor of Maulana Mazharul Haque Arabic and Persian University, Patna.
13. Mr. Rajeev Kumar Mallik, the Pro Vice- Chancellor of Patliputra University, Patna
14. Mr. Sidharth Shankar Singh, the Pro Vice- Chancellor of Kameshwar Singh Darbhanga Sanskrit Univesity, Darbhanga.
15. Mr. C.S. Choudhary, the Pro Vice- Chancellor Veer Kunwar Singh University, Ara.
16. Mr. Jawahar Lal, the Pro Vice- Chancellor of Munger University, Munger.

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Smt. Shilpa Singh, GA 12
Mr. Rajendra Kumar Giri, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 24-06-2022

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

- i). For issuance of direction to declare the appointment of respondent no. 5 to 16 on their respective posts in year of 2020 to 2021 as void ab initio in light of spirit of the statutory provision of sub section (1), sub section (2) of section 10 and sub section (1) of section 12 of the Bihar State University Act 1976 and section (11)(1), (11)(2) and section 14 of Patna University Act after considering the facts that respondent no. 5 and 6 having no requisite criteria to make their appointment on the post of Chairman and member of search committee and they are also directly connected with the concern university where appointment on the post of Vice-chancellor and Pro Vice Chancellor has been made.
- ii). For setting aside the unworthy notification made by the Hon'ble Chancellor (Respondent no. 4) vide annexure-3 and 8 of this petition with regard to the appointment on the posts of Vice



Chancellor and Pro Vice Chancellor of the various universities in Bihar as respondent no. 7 to 16 without fulfilling the requisite criteria as mentioned in sub section (1) sub section (2) of section 10 and sub section (1) of section 12 of the Bihar State University Act 1976 as amended in 2013 as well as contrary to the spirit of the settled proposition of law laid down by the Hon'ble Supreme Court of India in the case of Dr. Ram Tawakya Singh Vrs State of Bihar and others vide judgment dated 19.8.2013 passed in S.L.P (C) No. 8066/2013 and in the similar case of Md. Azhar Hussain Versus State of Bihar and others vide order dated 28.1.2016 passed in SLP (C) No. 1251/2016 arising out of judgment and order dated 18.12.2015 passed by the Hon'ble High Court Patna in CWJC No. 16680/2014.

- iii). For issuance of direction to the authorities concern to nominate/constitute a competent fresh search committee accordance with law for the recommendation of the name of applicants to the appointment on the posts of V.C and Pro V.C of the universities in Bihar after considering their requisite criteria as per statutory provision of law.
- iv). For issuance of direction to the Hon'ble Chancellor (Respondent no. 4) to take a fresh steps with regard to the appointment on the posts of Vice-Chancellor and Pro Vice-Chancellor of the universities in Bihar as questionable in this petition after considering the requisite criteria as mentioned in the statutory provision of Bihar State Universities Act as well as in Patna University Act on accounts of recommendation made by the competent search committee under the ambit of settled



proposition of law for saving the standard of higher education in Bihar.

- v). For issuance of direction to the authorities concern to take appropriate legal action against the responsible respondents after getting proper enquiry report from the independent agency who made such flagrant appointment on the reputed posts of Vice-Chancellor and Pro Vice-Chancellor of the various universities in Bihar as respondent no. 5 to 16 without following the statutory provision of law as well as contrary to the spirit of the judgment of the Hon'ble Apex court of India and the Hon'ble Patna High Court passed on previous occasion with regard to the similar set of circumstances in the case of Dr. Ram Tawakya Singh Versus State of Bihar and others as mentioned in above that amounts to deliberate and willfull disobedience of the mandate judgment and order of the Hon'ble Apex court of Indian as well as Hon'ble High Court of Patna committed by the respondents concern.
- vi). For issuance of direction to the authorities concern to make proper investigation through the independent agency of the Govt. of India with regard to various illegalities/irregularities committed by the universities authorities in Bihar within period of respondent no. 4 as published in daily news paper on various dates as annexure-17 series of this petition with extent to protect the fair and transparent imparting education system in higher education in Bihar.

In view of the fact that CWJC No. 13089 of 2021, titled as **Rajan Kumar Vs. The Chancellor of Universities & Ors.**, dealing with the same issue, is pending consideration before another Bench of this Court, petition is permitted to be



withdrawn reserving liberty to file an application seeking intervention in the said petition.

Liberty reserved to the petitioner to file a fresh petition on the same and subsequent cause of action, should the need so arise subsequently.

The present petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	29.06.2022
Transmission Date	

