

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.773 of 2019

In

Civil Writ Jurisdiction Case No.4103 of 2019

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1. The Vice Chancellor, Purnea Univeristy, Purnia, namely Dr. Rajesh Singh, Aged about 58 yrs (Male).
 2. The Registrar, Purnea University, Purnia, namely Jay Prakash Narayan Vakartan, Aged about 60 yrs (Male).

... .. Appellant/s

Versus

1. The Principal Secretary, Governor Secretariat, Raj Bhawan, Bihar, Patna.
2. Shiv Pujan Tiwari, Son of Muni Tiwari, resident of E-Sector, Vijay Nagar, Police Station- Patrakar Nagar, Kankarbagh, Patna- 26, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niranjan Kumar, Advocate

For the Respondent/s : Mr.Rajendra Kumar Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-07-2022

Inadvertently, order no. 2 has been typed in place of order no. 3.

Let order no. 2 be read as order no. 3.

2. In the instant L.P.A., Vice-chancellor, Purnia University and another have questioned the validity of the order of the learned single Judge dated 30.05.2019 passed in C.W.J.C. No. 4103 of 2019.

3. Respondent- Shiv Pujan Tiwary was placed



under suspension on 13.12.2018 by the Vice-chancellor of Purnia University and it was communicated through Registrar, Purnia University, Purnia. Feeling aggrieved by the suspension order, Respondent- Shiv Pujan Tiwary filed C.W.J.C. No. 4103 of 2019. Respondent- Shiv Pujan Tiwary is an officer in the Indian Audit and Accounts Services. He was appointed as Finance Officer in the Purnia University by the Hon'ble Chancellor pursuant to the Government Notification dated 23.10.2018 and he had joined the post of Finance Officer on 03.11.2018 whereas Respondent-Shiv Pujan Tiwary has been placed under suspension on certain alleged misdeeds stated to have been committed by him. Such suspension order has been passed by the Vice-chancellor. The learned single Judge after due taking note of Section 7 of the Bihar Universities act, 1976 held that Vice-chancellor is not the appointing authority or disciplinary authority in so far as Finance Officer post with reference to Section 7 of the Act, 1976 read with the order of appointment issued in favour of respondent vide Notification dated 23.10.2018. In the process of appointment of the Respondent- Shiv Pujan Tiwary as a Finance Officer, no role has been played by the Vice-chancellor.

4. In the light these facts and circumstances,



what is required to be examined is whether Vice-chancellor is appointing authority/disciplinary authority to the post of Finance Officer in the University or not? Under Section 7 of the Act, there are about ten items from Chancellor to such other person or persons. Item No. 2 relates to Vice-chancellor and Item No. 9 relates to Finance Officer. Therefore, definition of Officers under the University with reference Section 7 of the Act, Vice-chancellor and Finance Officer are placed on the same footing. Further, the learned counsel for Vice-chancellor is not disputing that the Vice-chancellor is not the appointing authority.

5. Learned counsel for the appellant submitted that in terms of Section 16 of the Act, 1976, Vice-chancellor could invoke power of suspension against Finance Officer/officers and employees of the University. No doubt under Section 16 of the Act, Vice-chancellor has been empowered to take necessary action, at the same time the post of Finance Officer is not incorporated under Section 16 of the Act so as to take action against the Finance Officer.

6. Perusal of Section 7 of the Act, 1976, it is crystal clear that Vice-chancellor and Finance Officer are the officers of the University as defined in the aforesaid Section.



7. In the light of these facts and circumstances, there is no infirmity in the order of the learned single Judge dated 30.05.2019 passed in C.W.J.C. No. 4103 of 2019.

8. Accordingly, the present L.P.A. stands rejected.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

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CAV DATE	
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