

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20489 of 2021

Dr. Somesh Shashi son of Late Shashi Bhushan Chaubey, resident of Village/Mohalla-Maruti Nagar, P.O.-B.H.U., P.S.-Lanka, District-Varanasi (U.P.) Pin-221011 and residing at present at Village-Pewandi, P.O. and P.S.-Chenari, District-Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The Veer Kunwar Singh University Ara, through its Registrar.
2. The Syndicate of Veer Kunwar Singh University, Ara, through its Chairman/Vice Chancellor.
3. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
4. The Honble Chancellor, Raj Bhawan, Patna.
5. Secreter/donor Member, Governing Body, B.S. College, Hatta (Chenari).
6. Mr. Vindhyachal Singh, Lecturer (Rtd.) B.S. College, Hatta (Chenari).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate
For the Respondent/s : Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-01-2022

Heard learned counsel for the parties.

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

(A) To declare and hold that resolution no.9 and 16 of Syndicate dated : 01/09/21 (Annexure-1) are void in law and issue appropriate directions or orders to the respondents no.1,2 and 3 to ensure that no governing



body of affiliated college(s) be dissolved or suspended unless or until a show-cause is issued and opportunity of hearing are given to the members of governing body as per provisions under Article 3(i) and 28 (1) of the statute Regarding Governing Body. **The aforesaid resolution of syndicate, dated: 01/09/2021, is annexed and marked as Annexure-1 To the application.**

- (B) To issue appropriate direction or orders to the respondents to ensure nomination of only such legislature (M.P./M.L.A./M.L.C.) into Governing Body or Ad hoc committee of affiliated college, who resides mainly the district concerned and as possible near the place where the college is situated, as per mandate of law provided in the clause (vi) of sub-section (1) of section 60 of Bihar State University Act, 1976.
- (C) To set aside University's order Memo No.- C/1722/estab/21, dated 03.11.2021 **(Annexure-2)** bywhich and underwhich the



governing body of Beni Singh College, Hatta (Chenari) has been dissolved illegally without a show-cause and without giving opportunity of hearing and thus violating the statute regarding governing body. **The true copy of aforesaid impugned letter, dated : 03/11/2021 is annexed and marked as Annexure-2 to the application.**

- (D) That issue directions or orders to the respondent no. 1,2 and 3 to ensure maintenance of integrity and dignity of degree colleges remain maintained and further ensure that no unqualified person , not possessing at least 55% marks with good academic records in P.G. and Ph.D. ,be appointed on the post of Principal,
- (E) To issue directions to the respondent no. 1,2 and 3 to ensure grant of approval to all pending proposals for approval of donor members by syndicate without discrimination and differential treatment and within a time frame.
- (F) Other relief/reliefs the petitioner may found entitled at the time of hearing of the petition.



Mr. Ritesh Kumar, learned counsel for the respondents states that the very same petitioner has filed another petition being CWJC No. 11259 of 2021, titled as Dr. Somesh Shashi Vs. The Vice Chancellor, Veer Kunwar Singh University, which is pending consideration.

In view of the same, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to pursue the remedies in accordance with law.

Permission granted.

Instant petition stands disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

