

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16592 of 2022

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Prem Kishore Singh Son of Sri Shivaji Singh, Resident of At and P.O. Balwakuari, P.S. Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Higher Education, Education Department, Government of Bihar, Patna.
2. The Additional Director General, State Vigilance Bureau, Investigation Wing, Patna.
3. The Babasaheb Bhimrao Ambedkar Bihar University through its Registrar, Muzaffarpur.
4. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
6. The Governing Body through its Secretary, Awadh Bihari Singh College, Lalganj, Vaishali.
7. The Secretary, Governing Body, Awadh Bihari Singh College, Lalganj, Vaishali.
8. The Principal, Awadh Bihari Singh College, Lalganj, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s : Smt. Shilpa Singh (GA12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(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.)

2 02-12-2022

Petitioner has prayed for the following relief(s):



“(i) For issuance of an appropriate writ/order/ direction in the nature of mandamus directing the respondents to conduct a vigilance enquiry as well as audit enquiry of the College i.e. Awadh Bihari Singh College, Lalganj, Vaishali (herein after called the College), so that the defalcation mismanagement of the government money/public money could be stopped and the guilty persons be prosecuted accordingly.

(ii) For further direction to recover the entire defalcated amount from the persons responsible of the College under the appropriate provision of law.

(iii) For issuance of appropriate writ in the nature of certiorari for quashing part of order contained in memo no. B/1655 dated 29.09.2022 issued by Respondent No. 5, whereby and where under, the representation dated 06.09.2021 filed by the petitioner in terms of order dated 24.08.2021 passed in CWJC no. 14442/2021 has been disposed, arbitrarily, without giving any opportunity of hearing to the petitioner and also without considering the issues raised by the petitioner.

(iv) For commanding the respondent Bhim Rao Ambedkar Bihar University (herein after called Bihar



University), Muzaffarpur to conduct audit enquiry in financial affairs of the College in proper manner.

(v) For any other relief or reliefs, order/orders which the Hon'ble Court may deem fit and proper in the eye of law and which the petitioner may found to be entitled in the facts and circumstances of the case.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to approach respondent No. 5, namely The Registrar, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur afresh and/or initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

The petition is disposed of as withdrawn with the liberty aforesaid.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.



It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

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