

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3360 of 2019

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Rakesh Kumar Singh S/o Late Birendra Kumar Singh Mohalla-New Area,
Aurangabad, P.s.-Aurangabad, Distt.-Aurangabad presently residing at D-35,
2nd Floor, East of Kailash, Srinivaspuri, New Delhi

... .. Petitioner

Versus

1. The Magadh University, Bodh Gaya through its Vice Chancellor and Ors
Magadh University, Bodh Gaya, Distt.-Gaya
2. The Registrar Magadh University, Bodh Gaya, Distt.-Gaya
3. The Secretary Anugrah Narayan Sinha Memorial College, Aurangabad,
Distt.-Aurangabad
4. The Principal Anugrah Narayan Sinha Memorial College, Aurangabad,
Distt.-Aurangabad
5. Sunil Kumar Singh S/o Late Ram Naresh Singh resident of Singh Kothi, Old
G.T.Road, Aurangabad, P.s.-Aurangabad, Distt.-Aurangabad

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Magadh University: Mr.Md. Faiz Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 19-07-2023 Heard learned counsel for the petitioner, learned

counsel for the Magadh University, Bodhgaya (Respondent Nos.

1 and 2).

2. Petitioner in the present case has prayed for the

following reliefs:-

“ i) For issuance of a writ in the nature of
Mandamus directing the respondent
authorities to declare the petitioner as the
‘Donor Member’ of Anugrah Narayan Sinha
Memorial College, Aurangabad on the basis of
the donation of Rs. 26051.00 which has been
donated by the petitioner by virtue of Fee
Receipt No. 9641 dated 7.11.2012 and the said



amount has been credited in the account of Anugrah Narayan Sinha Memorial College, Aurangabad and has also entered into Fee Collection Register of the College for the Session 2011-12.

ii) For issuance of a writ in the nature of Mandamus directing the respondents to restrain the entire power and functions of the respondent no. 5-- Sunil Kumar Singh in the facts and circumstances of the case.

iii) For issuance of a writ in the nature of Mandamus directing the respondents not to constitute General Body of Anugrah Narayan Sinha Memorial College, Aurangabad in the facts and circumstances of the case.

iv) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

3. It is the case of the petitioner that he had donated Rs. 26051/- vide Receipt No. 9641 dated 07.11.2012 as Donor Member and the said amount was credited in the account of Anugrah Narayan Sinha Memorial Collge, Aurangabad. He has relied upon Annexure ‘P-1 series’ to substantiate his statements that the College has received the said amount as a donation in the year 2012.

4. Learned counsel for the petitioner submits that the respondent authorities were under obligation to declare the



petitioner a Donor Member of the College but they did not do so. In this regard, the Principal of the College wrote a Letter bearing no. 62 dated 21.12.2013 to the Vice Chancellor, Magadh University, Bodhgaya requesting him to declare the petitioner as the Donor Member. Again in the year 2018, the Professor Incharge of the College informed the University vide his Letter No. 21 dated 25.07.2018 (Annexure P-3) that no donation has been received on behalf of Respondent No. 5 whereas the same has been received on behalf of the petitioner. The grievance of the petitioner is that his representations filed before the Incharge Principal, Anugrah Narayan Sinha Memorial College, Aurangabad as contained in Annexure 'P-4' was not considered.

5. By filing an interlocutory application, the petitioner prayed for quashing of Letter No. 19 dated 29.04.2019 issued by the College Inspector (Arts & Commerce) Magadh University, Bodhgaya whereby the Respondent No. 5 has been declared as the Donor Member of the College.

6. Petitioner has questioned the declaration of Respondent No. 5 as Donor Member on various grounds including that one Dr. Ayodhaya Kumar Singh who was the Principal of the College had retired in the year 2015 but without extension of his service he was holding the post of Principal and it is he



who has signed the cash book and other documents with regard to declaration of Respondent No. 5 as Donor Member. The petitioner questions the authority of Dr. Ayodhya Kumar Singh, the then Principal of the College.

7. A counter affidavit has been filed on behalf of Respondent Nos. 1 and 2. Paragraph '4' of the counter affidavit reads as under:-

“ That in context of the above claim of petitioner it is stated that as per provision in the Universities Act and Statute an audit team was constituted who visited the college on 17.5.2016 and submitted its report on 16.2.2018. The audit team reported in the report that Professor In charge Dr. Ayodhya Kumar Singh has sent a letter vide no. 62/ 2013 dated 21.12.2013 regarding the donation of Rs. 26051 donated by the petitioner who is son of Late Birendra Kumar Singh, the then Principal of the College which contained the same amount was deposited in account no. 3139555160, Bank of India, S. Sinha College, Aurangabad Branch on 5.12.2012 but no record was provided by the college authority i.e. Daily collection register, cash book for verification. It was confirmed by the college authority that entire record was under the possession of petitioner's father who was the then Principal. He did not submit the record and now he is not alive. The audit team did



not recommend the name of petitioner for the declaration as Donor Member.”

8. The answering respondents have submitted that the syndicate took a decision to approve the name of the Respondent No. 5 as a Donor Member on the basis of the report of audit team and the said decision was also published in two newspapers inviting objections, if any and to inform the University.

9. Since the petitioner’s name was not found by the audit team in any record in the College, his name was not recommended for declaration as Donor Member.

10. The counter affidavit of Respondent Nos. 1 and 2 was served upon learned counsel for the petitioner on or about 28.01.2020 but the statements made therein have not been controverted by and on behalf of the petitioner.

11. In the given facts and the materials present on record in form of an un-controverted statement in the counter affidavit, this Court in exercise of its extraordinary jurisdiction would not embark upon making an inquiry as to the disputed facts which are the issues involved in the writ application.

12. This writ application as well as the Interlocutory Application No.1 of 2019 are, thus, dismissed, however, with



liberty to the petitioner to seek his remedy, if any, available to him in accordance with law.

(Rajeev Ranjan Prasad, J)

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