

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7274 of 2023

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Avinash Kumar, Son of Late Ram Lakhan Singh, Resident of village-Gajipur
PO-Uphraul PS-Desari District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Addl. Chief Secretary, Education department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar at Patna.
4. The Deputy Director, High Education, Government of Bihar at Patna
5. The District Magistrate, Vaishali at Hajipur.
6. B.R. Ambedkar Bihar University, through Vice Chancellor, Muzaffarpur.
7. The Registrar, B.R. Ambedkar Bihar University , Muzaffarpur.
8. Beer Chand Patel Smarak (BPS) College, Desari (Vaishali) through its Secretary of government body, Desari, Vaishali.
9. The Professor-in-Charge, Beer Chand Patel Smarak (BPS) College, Desari (Vaishali).
10. The Sub-divisional Magistrate, Mahnar cum member of the Adhoc Governing Body of Beer Chand Patel Smarak College, Desari (Vaishali).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bajarangi Lal, Advocate
For the Respondent/s	:	Smt. Binita Singh (SC-28)
		Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-05-2023

The writ petitioner, purportedly in public interest, seeks an independent thorough inquiry into the embezzlement of grants-in-aid provided by the State Government to a College which has been impleaded as 8th respondent. It is the claim of the petitioner that his father and uncle were involved in the



establishment of the College and the latter was also the Secretary of the Managing Committee of the College who had donated land by a registered deed dated 12.06.1986. The petitioner asserts that he is interested in the welfare of the College and there is no direct or personal interest involved. Bland allegations are made regarding diversion of funds and misappropriation by the College administration. The allegation is in so far as the College having appointed persons far in excess of the posts, sanctioned by the University and the Government. It is alleged that by distributing grants-in-aid to persons appointed to the non-sanctioned post, there is misappropriation and embezzlement of State funds.

But for the broad allegations made, there is not even a single instance specified by the petitioner. The petitioner has also referred to two letters issued by the Education Department, produced as Annexure-2 and 3. The letters are general communications issued to all Universities to have the posts sanctioned failing which the Government will not bear the burden. The petitioner has raised allegations against the Managing Committee now in office, which, however, has not been impleaded as a party in the present proceedings. The petitioner has also not chosen to implead the members of the



Managing Committee in their personal capacity against whom the allegations are raised.

This Court finds absolutely no reason to interfere in the matter. Especially taking note of the fact that the Education Department is seized of the matter, this Court does not find any reason to entertain the Public Interest Litigation and dismiss the same, without any observation on merits. The dismissal of the writ petition shall not have any effect on any enquiry initiated and conducted by the department.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	20.06.2023
Transmission Date	

