

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1593 of 2016

-
-
1. Shridhar Das, Son of Late Salik Rai, the Secretary of Devraha Baba Shridhar Das Degree College, Rampur (Kadna) Garkha, Chapra.
 2. Niranjana Kumar, Son of Late Bharat Prasad, the Principal of Devraha Baba Sharidhar Das Degree College, Rampur (Kadna), Garkha, Chapra.

... .. Petitioners

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Higher Education Department, Govt. of Bihar, Patna.
3. The Chancellor of Jai Prakash University, Bihar, Patna.
4. The Jai Prakash University through its Registrar, Chapra.
5. The Vice Chancellor, Jai Prakash University, Chapra.
6. The Pro-Vice Chancellor, Jai Prakash University, Chapra.
7. The Registrar, Jai Prakash University, Chapra.
8. Dr. Ashok Kumar, the present Registrar of Jai Prakash University, Chapra.
9. The Proctor, Jai Prakash University, Chapra.
10. Arjun Prasad Yadav, Son of Late Hira Lal Rai, Resident of Village - Rahimapur, Post - Chintamanganj, P.S. - Garkha, District - Saran.
11. The Director General of Vigilance, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Gyan Prakash, Advocate
For the State	:	Mr. R.R.K. Pandey- SC-29
For the Vigilance	:	Mr. Anil Singh, Advocate
For the J.P. University	:	Mr. Ritesh Kumar, Advocate
For the Resp No. 10	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Sanjay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

32 18-09-2023 This writ application was admitted as back as on 09.10.2018. During pendency of the writ application, the interim order dated 11.04.2018 was to continue. From the order dated 11.04.2018, it appears that at the relevant time, this Court was monitoring the investigation which was entrusted to the



Vigilance in connection with the eight FIRs.

2. This Case has been tagged with CWJC No. 11492 of 2023 by order of this Court and has been listed after seeking permission of Hon'ble the Chief Justice.

3. In the writ application, which was filed in the year 2016, the petitioners, who are also the petitioners in CWJC No. 11492 of 2023, were acting Secretary of the Governing Body of the College, namely, Devraha Baba Shridhar Das Degree College, Rampur (Kadna) Garkha, Chapra and the Principal of the College respectively.

4. This writ application has been filed seeking the following reliefs:-

“(i) For issuance of a writ in the nature of Certiorari for quashing Memo No. 7311(R) dated 09.01.2016 issued by the Registrar, Jai Prakash University, Chapra appointing Sri Arjun Prasad Yadav as Temporary Principal for one month in Devraha Baba Shridhar Das Degree College, Rampur (Kadna) Garkha, Chapra who had already been terminated from the post of In-charge Principal of this college by the Governing Body on 26.07.2015 which had been approved by the University vide Letter No. 7155 (R) dated 02.11.2015 attained its finality by not challenging by him.

(ii) For issuance of a writ in the nature of Certiorari for quashing Memo No. 7312 (R) dated 09.01.2016 issued by the Registrar, Jai Prakash University, Chapra dissolving the Ad-hoc Committee for Devraha Baba Shridhar Das Degree College, Rampur (Kadna), Garkha, Chapra and nominating five person for constitution of Governing Body of this



College arbitrarily/illegally and malafidely as University itself nominated 4 persons vide Memo No. 6016(R) dated 12.12.2014 for constitution of Governing Body of this College and Governing Body of this College has been constituted vide Memo No. 6281(R) dated 09.03.2015 and existing/working in full fledged till date and from the date of notification of Governing Body Ad-hoc Committee ended.

(iii) For issuance of a writ of Mandamus to command the authority of the Jai Prakash Universities to not disturb the working of Governing Body of this College and to restrain them to act upon Memo No. 7311 (R) and 7312 (R) dated 09.01.2016.

(iv) For any other relief(s) for which the petitioner be found entitled to in the facts of the case.”

5. Learned counsel for the petitioners submits at this stage that the prayers made in the writ application as regards the appointment of Shri Arjun Prasad Yadav as Incharge Principal of the College has become infructuous inasmuch as the said Arjun Prasad Yadav ceased to act as Incharge Principal of the College after intervention of this Court and pursuant to the lodgment of the FIR by the Vigilance, he has also been chargesheeted for the alleged financial illegalities committed by him. Moreover, he has attained the age of superannuation and now, there is no question of his being appointed as Principal of the College.

6. So far as the second and third prayers in the writ application are concerned, admittedly, the Governing Body of



the College has out lived its life and the prayer for quashing of the Memo No. 7312 (R) dated 09.01.2016 has become infructuous. The impugned orders which are mentioned in paragraphs 1(i) and 1(iii) had already been stayed by this Court on 29.01.2016 and the same continued.

7. Learned counsel for the petitioners, therefore, submits that the prayers made in the writ application has become infructuous and have mere relevance for academic discussions.

8. Learned counsel for the University submits that at this stage his main concern is to get constituted a Governing Body of the College in question at the earliest opportunity. This issue is being addressed in CWJC No. 11492 of 2023, therefore, his contentions in this regard may be kept open.

9. Mr. P.N. Shahi, learned senior counsel assisted by Mr. Sanjay Kumar Mishra, learned counsel submits that even though the respondent no. 8 is now not eager to contest his claim, if any, flowing from Memo No. 7311 (R) dated 09.01.2016, his contentions with reference to the issues arising in CWJC No. 11492 of 2023 be kept open for consideration and he would have no objection if this Court disposes of the present writ application taking note of his this stand.



10. Having regard to the aforementioned submissions of the parties, this Court is of the considered opinion that this writ application has outlived its utility. The Vigilance case has already been investigated and the chargesheet stands filed. The case is pending in the trial court after taking cognizance. The two impugned memos were already stayed by this Court and during pendency of the writ application, they have lost their efficacies. Those are, therefore, quashed in order to set at rest the controversies which arose out of the two impugned memos in this writ application.

11. The contentions of the parties are left open for C.W.J.C. No. 11492 of 2023.

12. This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U			
---	--	--	--

