

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10971 of 2023

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Md Iqbal @ Md. Iqbal S/o Khilafat Hassan, R/o Road No. 3. P.S-Chandauti,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Special Secretary, Education Department, Government of Bihar, Patna.
4. The Director Higher Education, Government of Bihar, Patna.
5. The Magadh University, Gaya Through its Registrar.
6. The Vice Chancellor, Magadh University, Gaya.
7. The Registrar, Magadh University, Gaya.
8. The Professor In Charge, Mirza Ghalib College, Gaya.
9. Mirza Ghalib College, Gaya Through its Secretary, Governing Body.
10. The Governing Body, Mirza Ghalib College, Gaya Through its Secretary.
11. S.A. Shamsi, Presently the Secretary, Governing Body, Mirza Ghalib College, Gaya.
12. Md. Ghulam Samdani (The erstwhile Principal) S/o Late Md. Abbas, R/o-S S Colony, New Kareemganj, PS Civil Lines, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Bahadur Singh, Senior Advocate
Mr. Brisketu Sharan Pandey, Advocate

For the State : Mr. Vikas Kumar, AC to AG

For the Magadh University: Mr. Siddharth Prasad, Advocate

For Respondent nos.8 to 11: Mr. Amit Shrivastava, Senior Advocate
Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-08-2023



The writ petition filed as a public interest litigation seeks for an enquiry into the appointments made to the 9th respondent-college by the Governing Body. Allegations have been raised of illegal siphoning of public money and widespread irregularities in the appointments made to the teaching/non-teaching employees.

2. The Allegations are all levelled against the Governing Body of the 9th respondent-college; the members of which body have not been impleaded in their personal capacity.

3. The petitioner in the writ petition has also referred to certain persons, who are relatives of the Governing Body members and whose appointments are said to be illegal. These persons also have not been impleaded in the writ petition.

4. It is also very evident from the averments that the Registrar of the respondent-University has issued notice to the Governing Body with respect to some of the appointments and there is an enquiry initiated by the University into the selection process of Assistant Professors in the respondent-College. The Director (Higher Education) Government of Bihar, has, by letter dated 27.07.2022, produced as Annexure-9, sought for the report of the Committee from the University and also the details of the action taken. There is no scope for the public interest litigation,



especially since the allegations levelled by the petitioner have been brought to the notice of the authorities and appropriate action taken.

5. We find no reason to monitor the enquiry or issue further directions. We would expect the authorities, both under the State or the University, to take the matter to its logical conclusion.

6. We close the writ petition finding it to be unnecessary, but observe that the closure of the writ petition shall not be taken as a finding against the allegations raised in the writ petition on merits, as we specifically intend that the enquiry initiated shall be taken to its logical conclusion.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	10.08.2023
Transmission Date	

