

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13858 of 2022

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Abdul Hadi Siddiqui, Son of Abdulahad, Resident of Village- Imli Bazar, Post
Office- Lalbagh, Police Station- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. Lalit Narayan Mithila University, through the registrar, Kameshwar Nagar,
Darbhanga.
2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sarva Deo Singh, Advocate
		Mr. Sanjay Kumar, Advocate
For the LNMU	:	Ms. Binita Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 23-02-2023

The petitioner by way of this writ petition has assailed the letter dated 12th May 2022 passed by the Registrar whereby the order passed by him on the directions of the Vice Chancellor dated 16.04.2022 has been kept in abeyance.

2. Learned counsel for the petitioner submits that there was no authority available with the Vice Chancellor to review its earlier order dated 16.04.2022 or to recall the said



order.Learned counsel submits that the letter dated 12.05.2022 has been passed for extraneous reasons and considerations and the order of keeping in abeyance suffers from *mala fide*. It is further submitted that as per the Statute and Act, the Vice Chancellor could have stayed/recalled his earlier order only upon receiving directions from the Chancellor. He further submits that once the Chancellor has been informed about the approval by the Vice Chancellor, it is the Chancellor alone who can direct for recalling of the said order or keeping that order in abeyance.

3. I have considered the submissions made on behalf of the parties. It is the settled law that in administrative actions, the authority which has the power to issue an order also has the power to recall it or keep the same in abeyance.

4. In the present case, as observed from the impugned order dated 12.05.2022, it is apparent that some complaints have been received about the verification of facts relating to the concerned teachers and, therefore, the Vice Chancellor through the Registrar has directed the Principal of the college to provide a list of documents as mentioned in the said letter dated 12.05.2022 which includes documents relating to post sanctioned by the University, method of appointment of teachers



against the sanctioned post and the constitution of the selection committee, eligibility, other qualification of the candidate has been called for. A copy of the minutes of the selection committee for all the subjects has also been called for.

5. Asking for such documents, cannot draw inference of malice or bias on part of the Vice-Chancellor and his action is found to be in consonance with the law.

6. This Court is satisfied that the teachers who are performing the duties of an Associate Professor in a college should not be kept in confusion and they should be informed appropriately about their service conditions. Their appointment was already approved by the Vice Chancellor earlier on 16.04.2022 which has been kept in abeyance and made subject to proper verification of necessary facts. Such proper verification of necessary facts, in the ordinary course, should have been done before passing the order dated 16.04.2022.

7. However, if the said exercise is being done now, no exception can be made to such course of action. However, it is directed that such exercise of verification should be completed within a stipulated period, preferably, within three months whereafter the amount of grant lying with the University shall be disbursed to the petitioners.



8. It is made clear that no further time shall be granted to the authorities for the said purpose.

9.The writ petition is, accordingly, disposed of.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.27

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2023
Transmission Date	NA

