

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11718 of 2023

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Shyamal Kumar Biswas S/o Late Bibhuti Bhushan Biswas, Resident of Shiva-
jee Nagar, P.S.- Town Thana, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department,
Govt. of Bihar, Patna.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
4. The Special Secretary, Bihar School Examination Board, Patna.
5. The Secretary, Department of Vigilance, Govt. of Bihar, Patna.
6. The Principal, Rama Ballabh Jalan Bela College, Bela, Darbhanga.
7. The Principal, Rama Ballabh Jalan Inter College, Sahila Sonki, Darbhanga.
8. The Secretary, Mr. Ajay Kumar Jalan, R.B. Jalan Bela College, Bela and In-
ter College, Sahila Sonki, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Singh, Advocate
For the Respondent/s	:	Mr. P.K. Shahi (AG)
		Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2023

The writ petition is filed for a direction to conduct an enquiry against the respondents, who are alleged to have committed fraud and embezzled Government money. The allegation is that the college in which the 6th respondent is the Principal and the intermediate college in which the 7th respondent is the Principal, are both carried on under the



same code issued by the State Government which is against law. However, there is nothing stated as to how the code is assigned to a college by the State Government and in what manner the illegality arises.

2. There is also an allegation that the Secretary of the college who is impleaded as the 8th respondent is a minor and studied in the same college in a graduate course. There is also an allegation made against the Principal and unsubstantiated accusations made regarding his appointment which is stated to be in the year 2013 or 2006. Again a utilisation certificate is produced as Annexure P-4 and reference made to one graduate student who is alleged to be a minor, but asserted to be appointed as an employee in the college. The allegations are made without any specification of the post to which the person is appointed and the course in which he is continuing in the college. Bald allegations regarding appointments are also made, again without any clarity.

3. The petitioner admits that the University had conducted an inspection in the college and found embezzlement. Again, it is stated that the U.G.C. guidelines



prohibit a person prosecuted or convicted under the D.I.R. or M.I.S.A. or any other law to be continued as a member of a Governing Body or Ad-hoc committee. But for the further assertion that the 8th respondent is still working in the governing body of the college, nothing is stated as to the details of his conviction or prosecution. There are absolutely no materials produced by the petitioner to further the prayer for enquiry.

4. We find the writ petition, purportedly filed under public interest to be a malicious attempt to malign the college and its functionaries; who are also not impleaded in their personal capacity, which is required, if allegations are made of an abuse of power and malafide acts including embezzlement and fraud played on the Government. We cannot condone such fishing expeditions made without any responsibility and making bland allegations without substantiation.

5. We dismiss the writ petition with cost imposed of Rs. 5000/- payable to the Bihar State Legal Services Authority. If the amount is not paid within two weeks, the Legal Services Authority shall be entitled to



recover the same from the petitioner as an arrear due on land.

6. The writ petition stands dismissed with the cost directed as above.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.08.2023
Transmission Date	

