

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11492 of 2023

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 Shridhar Das Degree College, Rampur (Kadna), Garkha, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. The Chancellor of the Universities of Bihar, Patna.
5. The Jai Prakash University through its Registrar, Chapra.
6. The Vice Chancellor, Jai Prakash University, Chapra.
7. The Registrar, Jai Prakash University, Chapra.
8. Arjun Prasad Yadav, son of Late Hira Lal Rai, Resident of village - Rahimapur, Post- Chintamanganj, Police Station - Garkha, District - Chapra.
9. The Branch Manager, State Bank of India, Garkha Branch, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Advocate
For the Chancellor	:	Mr. Rana Vikram Singh, Advocate
For the University	:	Mr. Ritesh Kumar, Advocate
For the R. No.7 & 8	:	Mr. Sanjay Kumar Mishra, Advocate
For the State	:	Mr. Madhaw Pd. Yadav, GP-23
		Mr. Rajesh Kumar Sinha, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 26-09-2023 Heard learned counsel for the parties.

2. Respondent no. 7 has filed an affidavit today. In paragraph '4' of the affidavit (though it is described as counter affidavit but learned counsel for the respondent no.7 submits that it should be treated as an affidavit) it is stated that the total



amount of Rs. 66 lakhs has been brought back in the bank account of the college and the amount stands credited in the account. Learned counsel for the respondent no.7 submits that in such circumstance, the matter stands resolved.

3. It is further submitted that the new Vice-Chancellor has taken charge of the college and he has informed the learned counsel that within one month from today, the Governing Body of the College shall be constituted. In the meantime, the Financial Advisor of the University shall act in consultation with the Vice-Chancellor of the University in the matter of the finances of this college.

4. Learned counsel for the petitioner, however, submits that considering the conduct of respondent no.7, this Court should direct for an inquiry and appropriate penal action against respondent no.7. This Court has heard this matter on several dates and how the things have progressed are recorded in the orders passed by this Court.

5. To this Court, at one stage it transpired that respondent no.7 had acted in the matter of disbursement of the funds without seeking leave of this Court when the hearing was going on, therefore this conduct was not to be approved and he may be proceeded against but at this stage, considering the



entire facts and circumstances and his submission that he was perhaps under belief that in view of the Hon'ble Division Bench judgment in LPA No. 1420 of 2016 passed on 26.08.2016 he could have dealt with the financial matters of the college independently, this Court is willing to give him a reprieve on this issue with an intention to provide a quietus to the dispute. This Court is taking this view because now the entire money has come back and there is no pecuniary loss to the college on this account. This Court would, however, caution the respondent no.7 that while dealing with the Court matters and during pendency of the case, he should take any decision pertaining to an issue involved in the case only after seeking prior approval of the Court.

6. The Vice-Chancellor shall proceed to form the Governing Body and in the meantime, he will see the finances of the college through the Financial Advisor.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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