

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19340 of 2021

Subodh Kumar Singh Son of Sri Sachidanand Singh Resident of Village-
Bajarahiyan, P.S.- G.B. Nagar, District- Siwan, Presently posted as Incharge
Principal of Majarul Haque, Degree College, Tarwara, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department (Higher Education), Government of Bihar, Patna.
2. The Vice- Chancellor, Jai Prakash University, Chhapra, at Saran.
3. The Registrar, Jai Prakash University, Chhapra at Saran.
4. The Incharge Principal, Majrul Haque Degree College, Tarwara, Siwan.
5. The Secretary, Ad-hoc Governing Body, Majrul Haque Degree College, Tarwara, Siwan.
6. The Honble Governor-Cum- Chancellor, University of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Pandey
For the State	:	Ms.Shilpi Singh (Ga12)
For the University	:	Mr. Ritesh Kumar
For the Chancellor	:	Mr. Rana Vikram Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 24-11-2023 1. Initially, the petitioner has filed the present writ application challenging the constitution of the ad-hoc Governing Body of Majrul Haque Degree College, Tarwana, Siwan, which is the affiliated unit of Jai Prakash University, Chapra, dated 29.09.2021.
2. During the pendency of this writ application, a regular Governing Body has been constituted by the University on 04.03.2023, which has been challenged by the petitioner by way of filing I. A. No. 01 of 2023.



3. Learned Counsel for the petitioner submits that the Governing Body has been constituted in violation of provisions of Statute 32 of the Bihar State Universities Act, 1976, (in short, 'the Act') inasmuch as Dr. Kaushalya Singh is not a donor member. One Sachidanand Singh is a donor member, but his name has been dropped without assigning any reason. He is the main donor member. The Incharge Principal is a tainted person and is not having the required qualification of Ph.D. Professor Awadhesh Sharma has been nominated as Teachers' representative, who is not elected member amongst teachers.
4. Statute 32 (2) (ii) of the Act envisages that if any difficulty arises in the formation or the filling up of any seat in the Governing Body of any admitted college for any reason what-so-ever, the Syndicate shall on its own initiative or on reference to it shall decide the issue. If anybody, however, is dissatisfied with the decision of the Syndicate, he shall have the right of appeal to the Chancellor within thirty days of the decision whose decision thereon shall be final and binding on the persons concerned.
5. With regard to donor member, Statute 32 (2) (iv) of the



Act says that every objection relating to inclusion or non-inclusion of the name of any person in the list of donors shall be filed before the Registrar within 15 days of the publication of the Notice in the Newspapers and the Syndicate, after considering the objections, if any, shall decide the matter.

6. In view of the aforesaid, this writ application is disposed with liberty to the petitioner to file his objection with regard to constitution of regular Governing Body before the Registrar of the University and the Registrar is directed to forward before the Syndicate of the University within a period of thirty days and the Syndicate of the University, after taking into consideration the objection, shall decide the same within a maximum period of four months.
7. I. A. No. 01 of 2023 also stand disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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