

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.200 of 2019

Narendra Prasad Rai Son of late Vishwanath Rai Resident of Village-Charitraban, Buxar, Police Station- Buxar Town, District- Buxar.

... .. Petitioner/s

Versus

1. Veer Kunwar Singh University Ara through its Registrar, P.S. Ara, District-Bhojpur at Ara.
2. The Vice Chancellor, Veer Kunwar Singh University, Ara, P.S. Ara, District-Bhojpur at Ara.
3. The Registrar, Veer Kunwar Singh University, Ara, P.S.- Ara, District-Bhojpur at Ara.
4. Sunaina Devi Wife of Narbdeswar Rai Resident of Mohallah Rambag, Buxar, Ward No. 27, Piparpati Road, Buxar, P.O. and P.S. Buxar, District-Buxar.
5. Lok Manya Bal Gangadhar Tilak College, Buxar, Gajadharganj, P.S. Town Thana- Buxar through its Secretary.
6. Secretary, Lok Manya Bal Gangadhar Tilak College, Buxar.
7. Professor-in-Charge, Lok Manya Bal Gangadhar Tilak College, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate
	:	Mr. Rajani Kant Pandey, Advocate
	:	Mr. Girish Chandra Sharma, Advocate
For the Respondent/s	:	Mr. Siyaram Shahi, Advocate
	:	Mr. Rajesh Pd. Choudhary, Advocate
	:	Dr. Kamal Deo Sharma, Advocate
	:	Mr. Abhinav Srivastava, Advocate
	:	Mr. Tushar Vaibhav, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 15 11-01-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner is aggrieved by non-inclusion of his name as one of the Donors of the College in question. Lok Manya Bal Gangadhar Tilak College, Buxar (hereinafter referred to as “the College”) is a College managed by the Governing Body, affiliated to the Veer Kunwar Singh University



(hereinafter referred to as “the University”).

3. Learned counsel for the petitioner submits that petitioner has paid a sum of Rs. 25,000/- through Bank Draft in the year 1989 for declaring himself as a Donor and also donated 9.71 acres of his ancestral land in villages Tiwai and Manipur in the district of Buxar for construction of the College. It is further submitted that the petitioner also purchased a land admeasuring 10 kathas from his own fund in the capacity of Secretary of the College for having its own building. It is next submitted that the petitioner was earlier designated as Secretary of the Governing Body in the year 2023. It is also submitted that a Three-Member Committee was constituted by the Syndicate to inquire into the rival claims of the petitioner and Smt. Sunaina Devi for being declared as Donor Members. The Three-Member Committee submitted its report on 23.03.2018 vide Annexure-5 to the present writ application, before the Registrar of the University stating that the petitioner has donated the property worth crores of rupees including the land and building, over which, the College is situated.

4. The contention of the petitioner is that Syndicate, in its meeting held on 19.05.2018, considered the Three-Member Committee report and contrary to the findings of the



report, decided that the petitioner cannot be declared as Donor Member of the College and instead, one Sunaina Devi was declared to be the Donor Member of the College by the Syndicate.

5. Mr. Abhinav Srivastava, learned counsel appearing for the College, referring to counter affidavit, submits that being aggrieved by the decision taken by the Syndicate in its meeting dated 19.05.2018, the petitioner filed a representation before the Syndicate and the Syndicate, in its meeting dated 26.11.2018, decided to constitute a Five-Member Committee for taking decision on the objection of the petitioner. The Five-Member Committee, after verifying the rival claims and other aspects of the matter, recommended that Sunaina Devi can be declared as Donor Member of the College and rejected the claim of the petitioner for declaring him as the Donor Member.

6. Learned counsel for the University as well as learned counsel for Sunaina Devi also supported the arguments of Mr. Abhinav Srivastava, Advocate, who represents the concerned College.

7. After having heard learned counsel for the parties, it is evident that dispute involve in the present writ application is regarding Donor Membership. Statute 32 of the



Bihar State Universities Act, 1976 (hereinafter referred to as the Act, 1976) deals with constitution of Governing Body. ***Statute 32(2)(iv) of the Act, 1976*** 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. ***Statute 32(2)(ii) of the Act, 1976*** further says that if anybody 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.

8. Apart from above, ***Section 9(4) of the Act, 1976*** says that the Chancellor may, by order in writing, annul any proceeding or order of the University which is not in conformity with this Act, the Statutes, the Ordinance or the Regulation or for which adequate reason is lacking.

9. Taking into account the dispute involved in the present writ application and the statutory provisions, I deem it fit to refer the matter before the Hon'ble Chancellor of the University to decide the appeal/ representation filed by the petitioner in relation to his non-inclusion as a Donor Member



of the College. If the petitioner files an appeal/ representation before the Hon’ble Chancellor within a period of four weeks from today, the Hon’ble Chancellor is requested to look into the claim of the petitioner and decide the issue within a reasonable time frame.

10. The present writ application stands disposed off on the aforesaid terms.

(Anil Kumar Sinha, J)

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