

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3022 of 2020

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Ram Naresh Pandit son of Jahru Pandit resident of Ward No.- 16, Gram-
Adarsh Nagar, Lagauli, District- Begusarai, Pin Code- 851122.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. Chancellor of Universities of Bihar, Raj Bhawan, Patna.
3. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar.
4. Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
5. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava
For the State	:	Mr. Shashi Shekhar Tiwary, AC to AAG 13
For the University	:	Mr. Nikhil Kumar Agrawal

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 12-02-2024 Heard Mr. Abhinav Srivastava, learned counsel for

the petitioner, Mr. Nikhil Kumar Agrawal, learned counsel for

B.R.A. Bihar University, and Mr. Shashi Shekhar Tiwary,

learned counsel for the State.

2. Two counter affidavits have been filed, one on
behalf of the B.R.A. Bihar University and other on behalf of the
intervenor. Let the same be kept on record.

3. The petitioner has prayed for following reliefs:

“(i) Issuance of a direction, order or writ,
including writ in the nature of certiorari
quashing the office order dated
05/11/2023 bearing memo no. B/2424



issued by the orders of Vice Chancellor of the University, by which the petitioner in the capacity of Principal S.R.K.G. College, Sitamarhi (hereinafter referred to as "the College") as he has been transferred from the said college to Government Degree College, Sheohar in the most illegal and arbitrary manner;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the University to refrain from giving effect to the aforesaid office order dated 05/11/2023 bearing memo no. B/2424 during the pendency of the aforesaid writ petition;

(iii) Issuance of a declaration holding that the action on the part of the concerned respondent authorities under the University in issuing the aforesaid office order dated 05/11/2023 bearing memo no. B/2424 is completely untenable in the eyes of law the same being in blatant disregard and violation of the provisions contained under the Bihar State Universities Act, 1976 and also the relevant statutes framed in furtherance of the provisions contained under the said act laying down provisions with respect to the manner in which transfer of persons working against the post of



teachers in the services of the different universities within the State of Bihar are to be affected and is also in teeth of the order dated 05/03/2020 passed in the connected CWJC No. 3022/2020 which is pending before this Hon'ble Court;”

4. Learned counsel for the petitioner submits that by order dated 05.03.2020, passed by a Co-ordinate bench of this Court, the order of transfer of the petitioner was stayed from S.R.K.G. College, Sitamarhi to S.N.S. College, Motihari. The petitioner joined the post of Principal in S.R.K.G. College, Sitamarhi, in view of the order passed by a Co-ordinate bench of this Court on 05.03.2020, later on some incident took place in the campus of the S.R.K.G. College and, thereafter, the acting Vice Chancellor has constituted a high level enquiry committee by the office order dated 05.11.2023, bearing memo no. B/3423 and office order dated 05.11.2023 wherein memo no. B/2424 was issued by the present in-charge Vice Chancellor of the University on account of purported pendency of the enquiry as is to be conducted in furtherance of the aforesaid office order dated 05.11.2023 bearing memo no. B/2424 issued by the University, the petitioner was transferred from the said college to Government Degree College, Sheohar, in the most illegal and arbitrary manner, and also in violation of the provisions



contained under Bihar State Universities Act, 1976.

5. Learned counsel for the petitioner further submits that the acting Vice Chancellor has no power to transfer the petitioner according to the University Statutes because the acting Vice Chancellor has no power to take policy decisions. Learned counsel for the petitioner further submits that he has filed a representation before the Hon'ble Chancellor on 06.11.2023 regarding illegal transfer of the petitioner which was pending before the Hon'ble Chancellor till date.

6. Learned counsel for the University submits that the present Vice Chancellor has assumed the office as the Vice Chancellor, B.R.A. Bihar University, Muzaffarpur on 13.03.2023, in the light of the directives issued by the Governor's secretariat vide letter no. BSU (VC)- 40/2019-368/GS(1) dated 10.03.2023 in addition to his own duties as the Vice Chancellor, Veer Kunwar Singh University, Ara. The notification further prohibits him from taking any policy decision and also mentioned that it is purely a temporary arrangement.

7. Learned counsel for the University further submits that some incident took place in campus of the college, then the Vice Chancellor constituted a high level enquiry committee,



vide B/2423 dated 05.11.2023 and further issued order as contained in memo no. B/2424 dated 05.11.2023, regarding transfer of the petitioner till the pendency of the enquiry into the affairs of S.R.K.G. College, so as to ensure that enquiry can be conducted in fair and impartial manner. The transfer of the petitioner is purely on administrative ground and there is no violation of university law.

8. Considering the facts and circumstances of the case, arguments of the parties and perusal of the records, this Court directs the petitioner to file a fresh representation before the Chancellor and the office of the Chancellor is directed to dispose of such representation/pending representation, if any, filed by the petitioner within four weeks with reasoned and speaking order, after hearing the necessary parties.

9. In the meantime, no coercive steps shall be taken against the petitioner.

10. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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