

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.178 of 2021

Col Nisheeth Kumar Rai Son Of Late Ram Iqbal Rai, Resident Of H.No. 156,
Rudrawar, P.S. Sikanderpur, Rudrawar, District - Ballia, Pin - 221717.

... .. 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. Lalit Narayan Mithila University, Darbhanga through its Registrar.
4. Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
5. Registrar, Lalit Narayan Mithila University, Darbhanga.
6. Dr. Mustaque Ahmad, presently working in the capacity of the Registrar, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Adv.
For the LNMU		Mr. Bindhayachal Rai, Adv.
For the R. No. 2		Mr. Janardan Pd. Singh, Sr. Adv.
For the State	:	Mr. Apurva Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-03-2024 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. Learned counsel for the respondent no. 2 has filed
the show cause today in the Court.

3. Let it be kept on record.

4. In view of the order dated 21.02.2024, a show
cause has been filed on behalf of the respondent no. 2 in which
it is stated that in compliance of Hon'ble Court order dated
16.11.2021 and 03.2022, the counter affidavit has already been
filed by the respondent no. 7.



5. In the counter affidavit it is stated that the Hon'ble Supreme Court passed in Misc. Appeal No. 895 of 2020 and 494 of 2020 in W.P.(c) 276 of 2012 (Maa Vaishnao Devi Mahila Mahavidyalay Vs. The State of U.P. & Others) was communicated to the Hon'ble Chancellor by the Registrar General, Supreme Court of India dated 27.08.2020. The Hon'ble Supreme Court had desired to know from the Hon'ble Chancellor whether the CET-B.Ed. could be conducted within stipulated time frame. In the light of the direction, as mentioned above, the Chancellor of the Universities took a decision on 31.08.2020 and the same was communicated to the Registrar General of the Hon'ble Supreme Court for its kind perusal. The Hon'ble Supreme Court after having perused the decision of the Hon'ble Chancellor was pleased to pass an order dated 02.09.2020 and for that particular Academic Session 2020-22 was pleased to permit the CET-B.Ed. To be conducted on 22.09.2020.

6. It is further stated that the then Acting Vice Chancellor, Lalit Narayan Mithila University, Darbhanga, vide his letter bearing Ref.No. 111/VC dated 20.09.2020 sent a report to the Hon'ble Chancellor's Secretariat that the Registrar of Lalit Narayan Mithila University, Darbhanga, namely, Col.



Nisheeth Kumar Rai is not extending any co-operation in conduct of CET-B.Ed. 2020 examination which was scheduled to be held on 22.09.2020, rather, he has proceeded on leave. In spite of several reminders and calls to him to return back to his office, he did not turn up in his office which was indicative of his unauthorized work culture and conduct as well as deliberate defiance of the orders of the Vice-Chancellor. The Acting Vice Chancellor, LNMU, Darbhanga then issued a show cause to him for his such conduct but the Registrar did not submit his show-cause till 20.09.2020.

7. It is further stated that the Acting Vice Chancellor, LNMU Darbhanga finding no alternative, reported about the defiant attitude and conduct of the Registrar (Col. Rai) with all supporting documents to the Hon'ble Chancellor's Secretariat for necessary action and he also sent a panel of three names for kind consideration of Hon'ble Chancellor for appointment of Registrar, LNMU, Darbhanga from among the panel of three names/persons. The said panel sent by the Acting vice Chancellor was also affirmed/recommended by Prof. Surendra Pratap Singh, the regular Vice Chancellor LNMU Darbhanga who had by that time been appointed as regular Vice Chancellor, LMNU Darbhanga. He also recommended the panel of the



names proposed by his predecessor Acting Vice Chancellor.

8. It is further stated that by virtue of order dated 24.09.2020, the Hon'ble Chancellor after due consideration was pleased to order to terminate Col. Nisheeth Kumar Rai from the post of the Registrar, LMNU, Darbhanga with immediate effect and letter to this effect bearing letter No. DBSU (Registrar)-27/2007 (Part-I)-2172/GS (I) dated 24.09.2020 was issued. The aforesaid decision of the Hon'ble Chancellor was the requirement of time and situation and was in the interest of the forthcoming CET-B.Ed. Which was necessary to be concluded in terms of the assurance given by the Hon'ble Chancellor to the Hon'ble Supreme Court to conclude within the time frame asked for by the Hon'ble Apex Court.

9. Show cause filed on behalf of the respondent no. 2 is accepted.

10. In view of the facts and circumstance of the case and the counter affidavit filed on behalf of the no. 7, this writ petition is dismissed.

(Anjani Kumar Sharan, J)

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