

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12508 of 2021

Subodh Kumar Son of Sri Shyam Rai Resident of Village and P.O.-Chapahi,
P.S.-Raj Nagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
3. The Secretary, Kameshwar Singh Darbhanga, Sanskrit University, Darbhanga.
4. The Secretary, Sri Shankar Sanskrit Upshastri, Mahavidyalaya, Sahpur, Begusarai.
5. The Executive Body, Sri Shankar Sanskrit Upshastri, Mahavidyalaya, Sahpur, Begusarai.
6. The Principal, Sri Shankar Sanskrit Upshastri, Mahavidyalaya, Sahpur, Begusarai.
7. The Principal Secretary, Department of Education, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mayank Rukhaiyar, Advocate.
		Mr. Himanshu Kumar Akela, Advocate.
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (Gp23)
For the University	:	Mr. Nagendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 31-07-2025 Heard Mr. Mayank Rukhaiyar, learned counsel along with Mr. Himanshu Kumar Akela, learned counsel appearing on behalf of the petitioner; Mr. Madhaw Prasad Yadaw, learned counsel for the State and Mr. Nagendra Kumar Singh, learned counsel for the University.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, following relief(s), which is



reproduced hereinafter:-

“That this is an application for issuance of an appropriate writ, order, or directions, commanding the respondents to stay the appointment notice published by Secretary, Executive Body, Sri Shankar Sanskrit Upsastri Mahavidyalaya, Sahpur, Begusari, with respect to the post of petitioner as petitioner was appointed on the post of Graduate Teacher (History subject) vide letter no. SR-30/2013, dated 12.03.2013 and since then petitioner is discharging his duty with best of his ability and to the satisfaction of superiors with no complaint from any corner but by the said appointment notice in the subject of petitioner also recruitment invited, and/or for any other order / orders as your Lordships may deem fit and proper under the circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submitted that from perusal of the information contained in Para-4 of the counter affidavit filed on behalf of the University, duly sworn by the Registrar, it appears that they have not denied that the College is not affiliated. Once the College is affiliated, the advertisement dated 05.01.2013, pursuant to which, the petitioner was appointed as a History teacher, also in accordance with the statutory provision, had got approval of the University and thereafter, the petitioner started functioning as a History teacher and examination for the session 2013-14 and onwards were held and results were also published in respect of the students who had opted History subject.

4. Learned counsel further submitted that recently another Governing Body of the College have come out with a notice for inviting application from the eligible candidates for



the post advertised on 07.06.2023, on which the petitioner is already working as a History teacher. It is not apparent from the notice, as to whether, the same has been published after obtaining approval of the University. In absence of any approval, the action of the governing body is against the statutory provision and the same is vitiated in the eye of law. On these background, learned counsel seeks that the advertisement dated 07.06.2023 is required to be interfered by this Court.

5. *Per contra*, Mr. Nagendra Kumar Singh, learned counsel appearing on behalf of the University submitted that the communication for the approval has not been sent to the University and in absence of approval, the claim of the petitioner is fit to be rejected. The petitioner has himself admitted in Para-4 (iii), which is reproduced hereinafter:

“That with respect to appointment of the petitioner, communication not done to Executive Body or concerned Administration of the College resulting petitioner not getting salary and for the same petitioner as regular interval approached the department of redressal of his grievances.”

6. Heard the parties.

7. The information which is contained in Paragraph No.4 (iii) of the writ petition is admitted by the University, then it only goes to show that University has shown its no concern about the teaching standard of the different affiliated colleges



under its jurisdiction and at the same time, have allowed the affiliation of the present college to continue by allowing the teachers without approval to teach.

8. That being the state of affairs, the Vice Chancellor of the University is directed to call for the entire records of the college since the date of its existence and see that whether any approval was obtained so far as the Advertisement dated 05.01.2013 and subsequent Advertisement dated 07.06.2023 by which the petitioner is aggrieved and whether any post was approved by the University in respect of the post as has been advertised recently.

9. The Vice Chancellor of the University must be more concerned about the education and its deplorable state of affairs is evident from the fact that they having admitted but have not taken any steps to correct having supervisory jurisdiction as per the provision of Section 10, 57, 58 and 60 of the Bihar Universities Act, 1976.

10. It is expected that the Vice Chancellor will be more concerned while exercising his power under Section 10 of the Act, 1976 and be conscious about the standard of education and also the well being of the teachers.

11. The Vice Chancellor and the Registrar of the



University are directed to correct their action by considering the case of the petitioner in view of the advertisement dated 05.01.2013 and equal protection be granted to the petitioner so that he may not be disturbed in any manner by the subsequent advertisement dated 07.06.2023 by which also, post of Lecturer of History subject has been advertised.

12. The petitioner has claimed that he has worked but not paid. In the larger interest of the students and the standard of education in the State of Bihar, the Vice Chancellor must protect the right and dignity of a teacher.

13. The writ petition stands disposed of with aforesaid observations and directions.

14. There shall be no order as to costs.

(Purnendu Singh, J)

mantreshwar/-

U			
---	--	--	--

