

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.320 of 2022
In
Civil Writ Jurisdiction Case No.14744 of 2017

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

... .. Appellants

Versus

Dr. Upendra Kunwar, Son of Late Sawaliya Kunwar, resident of Village - Dohar, Post- Dohar, P.S. - Rasulpur, District - Chapra (Saran).

... .. Respondent

Appearance :

For the Appellants	:	Mr. Ram Vinay Pd. Singh (A.C. To G.A.12)
For the Respondent	:	Mr. Abhinav Shrivastava, Sr. Advocate with Mr. Akshat Kumar, Advocate Md. Tauseef Waquar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

8 01-11-2025 The present appeal has been filed for the following relief/s:

“That the present memo of appeal is being filed for setting aside the order dated 08.10.2021 passed in C.W.J.C. No. 14744 of 2017 whereby the writ petition filed by the petitioner was allowed by Hon’ble Justice Ahsanuddin Amanullah.”



2. The learned Singe Judge has made the following considerations while passing the order:

*“88. The Court takes note of the submissions of the intervenors that it must strive to give effect to the words used in the statute and not adopt hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act, relying upon the decisions in **Hansoli Devi** (supra), **Dr. Ganga Prasad Verma** (supra) and **Nathi Devi** (supra).*

89. There is no quarrel with the propositions laid down by the Hon'ble Supreme Court. However, and especially so, in Nathi Devi (supra), it was held that the interpretive function of the Court is to discover the true legislative intent. Thus, the decisions cited above actually further the cause of the petitioners and not the intervenors as “and such sanctioned posts in the teacher's grade on the basis of the regulations issued by the U.G.C. from time to time” has to be duly considered. It is no longer res integra that for the purpose of interpreting a statute, the same is to be read in its entirety and all efforts must be directed towards giving effect to the statutory scheme. Reference in this regard may gainfully be made to High Court of Gujarat v Gujarat Kisan Mazdoor Panchayat, (2003) 4 SCC 712; State of West Bengal v Sujit Kumar Rana, (2004) 4 SCC 129 and Deepal Girishbhai Soni v United India Insurance Co. Ltd.,



(2004) 5 SCC 385.

90. In *Lalit Mohan Pandey v Pooran Singh*, (2004) 6 SCC 626, the Hon'ble Supreme Court opined that "A statute must be construed having regard to the legislative intent. It has to be meaningful. A construction which leads to manifest absurdity must not be preferred to a construction which would fulfil the object and purport of the legislative intent.

91. Thus, upon reading the Act and the its scheme in entirety, it is interpreted that the post of Principal remained under the category of 'teacher'. The fact that the 2017 Amendment Act included the term 'principal' expressly in the definition of 'teacher' also shows that without any requirement, the same was only by way clarification or to remove any confusion/ambiguity and further, that the Principal always was a 'teacher' for if the Principal would not have been a teacher from 2012 to 2017, then without there being any justification or basis either in law or by the pronouncements of the Court or under the UGC regulations, the same could not have been re-introduced by the State de hors a cogent reason.

92. There is merit in the petitioners' contention that if a Reader/Professor cannot be appointed as a Principal of the College if the subject he/she teaches is not taught in such college also indicates that the Principal has to be a teacher of the subject, which is taught in the concerned college,



otherwise, such stipulation would become arbitrary and unreasonable having no nexus with such appointment. In this regard, the decision in Dr. (Mrs.) Annapurna Devi (supra), albeit pre-dating the 2012 Amendment Act, has enunciated the role and position of a Principal, based both on academic qualification and entitlement to such appointment, including relating to the subject taught as a teacher. Moreover, the Court held that a Principal is a teacher entitled to teach and having been acting as guides for students pursuing M. Phil./Ph.D., and the degrees having been awarded to such students, should also lead this Court to the conclusion that principals were always within the ambit of 'teacher'.

94. Amidst the backdrop of the discussions hereinabove, it is held that the 2012 Amendment Act, though deleting the term 'principal' in the definition of 'teacher' in the Act would not render the post of Principal to be a non-teaching post and would be covered under the term "and such sanctioned posts in the teacher's grade on the basis of the regulations issued by the U.G.C. from time to time."

3. Upon perusal of records of the case, we find that there is no sufficient material available on record to substantiate the grounds of the present appeal. Therefore, in our view, the



appellant has been unable to dislodge the findings of the learned Single Judge.

4. Thus, considering the submissions advanced on behalf of the parties and the observations and findings of the learned Single Judge, we find no infirmity in the order.

5. The present appeal stands dismissed.

6. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J.)

Gaurav Kumar/-

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