

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4102 of 2026

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Lalan Kumar Baudh S/o- Ram Bialsh Ram, R/O Village- Dudhaila, Jamhor,
Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Principal Secretary to H.E. the Chancellor, Governors Secretariate, Bihar, Raj Bhawan, Patna.
3. The Vice Chancellor, Magadh University, Bodh Gaya, Bihar.
4. The Pro Vice Chancellor, Magadh University, Bodh Gaya, Bihar.
5. The Registrar, Magadh University, Bodh Gaya, Bihar.
6. The Finance Officer, Magadh University, Bodh Gaya, Bihar.
7. The Accountant General, Magadh University, Bodh Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Archana Sinha, Sr. Adv. Ms. Swarna Roy, Adv.
For the State	:	Mr. Vikash Kumar, AC to AG
For the Res. Nos. 3-6	:	Mr. Rajesh Prasad Choudhary, Adv.
For the Accountant General	:	Mr. Arun Kumar Arun, Adv.
For the Chancellor	:	Mr. R K Giri, Adv. Mr. Amish Kumar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

3 01-05-2026 Learned Counsel for the respective parties are present.

2. Invoking the extra ordinary jurisdiction of this
Court, the present writ petition by way of public interest
litigation is filed for the following reliefs:-

*“a. For issuance of proper
writ and direction/order in Public Interest
Litigation/(PIL) to direct constitution of
SIT/SMU inquiry into financial*



irregularities in Magadh University.

b. Direct investigation into illegal withdrawal of funds from account of Anugrah Narayan College.

c. Direct forensic audit of examination funds transferred to M/s Chaudhary Printing Press.

d. Restrain Respondent No. 4 from continuing on the post of Vice Chancellor beyond 15.02.2026 which was done by the office of chancellor by violating the Act /Law.”

3. Ms. Archana Sinha, learned Senior Counsel submitted that the continuation of respondent no. 3 on the post of Vice Chancellor of Magadh University, Bodh Gaya beyond the completion of his statutory tenure on 15.02.2026, despite serious and substantial allegation against him regarding financial irregularities, unauthorized withdrawal of institutional funds and violation of Bihar Finance Rules, 2005, is wholly arbitrary, unreasonable and contrary to the settled principles of administrative fairness and institutional integrity. Further permitting respondent no. 4 to continue in such a constitutional office, on the face of pending allegation, not only erodes public confidence in the functioning of the University administration, but also undermines the principles of transparency, accountability and good governance in public institutions, thereby being manifestly against public interest.

4. After having carefully heard the learned Senior



Counsel as well as the learned Counsel for the respondents, in opposition to aforesaid contention, *prima facie*, this Court finds that the grievance of the petitioner is mainly based upon the unauthorized continuation of respondent nos. 3 and 4 on their respective post, but surprisingly, they have not been made party respondents by their names.

5. Suffice it to observe that if any challenge is made to an individual's right to hold a public office, on account of having lack of eligibility to hold such post, the remedy of writ of *quo warranto* is already available under the Constitution of India and not by way of public interest litigation.

6. Even as regards the filing of a public interest litigation, the Hon'ble Supreme Court has time and again cautioned that such a course of action is not permissible so far as service matters are concerned. Vide ***Dr. Duryodhan Sahu & Ors. -Vrs.- Jitendra Kumar Mishra & Ors., (1998) 7 SCC 273, Dattaraj Nathuji Thaware -Vrs.- State of Maharashtra & Ors., (2005) 1 SCC 590 and Neetu -Vrs.- State of Punjab & Ors., (2007) 10 SCC 614.***

7. Further in the case of ***Ayaaubkhan Noorkhan Pathan -Vrs.- State of Maharashtra & Ors., (2013) 4 SCC 465,*** the Hon'ble Supreme Court reiterating the aforenoted legal



position has held that public interest litigation should not be entertained in service matter.

8. Moreover, the petitioner is not remedy-less, if he has material evidence that persons are engaged in financial irregularities. However, if such imputation and allegation requires proper indepth enquiry and investigation, normally the writ petition by way of public interest litigation should not be entertained.

9. Considering the aforesaid facts and the position obtaining in law, we do not find any merit in the present public interest litigation. Accordingly, the same stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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