

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9583 of 2023

Hari Ballabh Mishra @ Hari Vallabh Mishra, son of Bansh Lochan Mishra, resident of Village and Post-Basdila, Police Station-Jalalpur, District-Saran (Chapra) Lecturer-cum-Teacher's Representative, Governing Body, Dr. P.N. Singh Degree College, Chapra.

... .. Petitioner/s

Versus

1. The Chancellor of the Universities Bihar, Patna.
2. The State of Bihar through the Additional Chief Secretary, Education Department (Higher Education), Patna.
3. The Additional Chief Secretary, Education Department (Higher Education), Government of Bihar, Patna.
4. The Jai Prakash University through its Registrar, Chapra.
5. The Vice Chancellor, Jai Prakash University, Chapra.
6. The Registrar, Jai Prakash University, Chapra.
7. The Secretary, Ad-hoc Committee, Dr. P.N. Singh Degree College, Chapra (Revived under order impugned).
8. Dr. Nageshwar Prasad Singh, son of Late Damodar Singh, Resident of Vir Kuer Singh Colony, Kashi Bazar, Police Station-Bhagwan Bazar, Chapra, Incharge Principal of Dr. P.N. Singh Degree College, Chapra.
9. The Uttar Bihar Gramin Bank through its Chairman, Kalambagh Chauk, Muzaffarpur.
10. The Branch Manager, Uttar Bihar Gramin Bank, Brahmpur Branch, Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12189 of 2023

1. The Ad hoc Committee of Dr. P.N. Singh Degree College through its Secretary, namely Mr. Janardan Singh Sigriwal, aged about 64 years, Gender-Male, S/o Nageshwar Singh, R/o Village-Mishrawaliya Tola, Jalalpur, P.s. Jalalpur, District-Saran-841412.
2. Vinod Kumar Singh, S/o Late Ram Ashish Singh, R/o-D-48, Ajanta Colony, Keshri Nagar, P.S.-Patliputra, Town and District-Patna, presently working as In-charge Principal, Dr. P.N. Singh Degree College, Chapra, District-Saran.

... .. Petitioner/s

Versus

1. The J.P. University Chapra, through its Registrar.
2. The Vice Chancellor, J.P. University, Chapra, Dist.-Saran.
3. The Registrar, J.P. University, Chapra, District-Saran.



4. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
5. The Chancellor of Universities, Raj Bhawan, Patna, through the Principal Secretary.
6. Dr. Nageshwar Prasad Singh, S/o Late Damodar Singh, Resident of Vir Kunwar Singh Colony, Kashi Bazar, P.S. Bhawan Bazar, Chapra, District-Saran.
7. Hari Ballabh Mishra @ Hari Vallabh Mishra, S/o Bansh Lochan Mishra, R/o Village and Post Basdila, P.S.-Jalapur, District-Saran (Chapra).
8. Rukmini Devi, W/o Late Dr. Prabhu Nath Singh, Doner Member of the Governing Body of Dr. P.N. Singh Degree College, Chapra, District-Saran, R/o Kunwar Singh Colony, P.S. Bhagwan Bazar, Chapra, District-Saran.
9. Mr. Dinesh Kumar Singh, S/o Late Baliram Singh, R/o Village and Post -Leguar, P.S. Daudpur, District-Saran, Co-opted Educationist Member of the G.B. of Dr. P.N. Singh Degree College, Chapra, Dist-Saran.
10. The Branch Manager, Uttar Bihar Gramin Bank, Brahmpur Branch Brahmpur, Chapra, PS-Bhagwan Bazar, District-Saran.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12736 of 2023

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Khairuddin Ahmad S/o Late Md. Aziz, Hafiz Path, Bhagwan Bazar, P.S.-
Bhagwan Bazar, Chapra, District-Saran.

... .. Petitioner/s

Versus

1. The J.P. University Chapra through its Registrar.
2. The Vice Chancellor, J.P. University, Chapra, Dist.-Saran.
3. The Registrar, J.P. University, Chapra, Dist.-Saran.
4. Rukmini Devi, W/o Late Dr. Prabhu Nath Singh, Doner Member of the G.B. of Dr. P.N. Singh Degree College, Chapra, R/o Kunwar Singh Colony, P.S.-Bhagwan Bazar, Chapra, District-Saran.
5. Dr. Nageshwar Prasad Singh, S/o Late Damodar Singh, Resident of Vir Kunwar Singh Colony, Kashi Bazar, P.S.-Bhagwan Bazar, Chapra, District-Saran.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 9583 of 2023)

For the Petitioner/s	:	Mr. Gyan Prakash, Adv.
For the Respondent/s	:	Mr. Madan Jeet Kumar, GP-20
For the University	:	Mr. Bindhyachal Rai, Adv.
		Mr. Chandan Kumar, Adv.
For the Resp No.7	:	Mr. Purushottam Kumar Jha, Adv.
		Mr. Manoj Kumar Singh, Adv.



For the Bank	:	Mr. Prabhakar Jha, Adv.
For the Resp No.8	:	Mr. Sanjay Kumar Ghosarvey, Adv.
(In Civil Writ Jurisdiction Case No. 12189 of 2023)		
For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv.
For the Bank	:	Mr. Prabhakar Jha, Adv.
For the Respondent/s	:	Smt. Binita Singh, SC-28
		Mr. Ujjawal Bhushan, AC to SC-28
For the University	:	Mr. Bindhyachal Rai, Adv.
		Mr. Manoj Kumar Singh, Adv.
For the Resp Nos.7 & 8	:	Mr. Gyan Prakash, Adv.
For the Resp No.6	:	Mr. Sanjay Kumar Ghosarvey, Adv.
(In Civil Writ Jurisdiction Case No. 12736 of 2023)		
For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv.
		Mr. Avanindra Kumar Jha, Adv.
For the Respondent/s	:	Mr. Bindhyachal Rai, Adv.
		Mr. Manoj Kumar Singh, Adv.
		Mr. Prabhat Kumar, Adv.
		Ms. Sweta Suman, Adv.
For the Resp No.4	:	Mr. Gyan Prakash, Adv.
For the Resp No.5:	:	Mr. Sanjay Kumar Ghosarvey, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 19-01-2026

Heard learned Advocate for the respective parties.

2. In all the afore-noted three writ petitions, there are claims and counter-claims pertaining to validity of the constitution of the governing body/ad hoc governing body as also the nomination of its members, on account of having no eligibility and/or being not competent to hold the respective posts. Their nominations are also said to be done unauthorisedly, contrary to the prescriptions of the Statutes and the letters issued by the University from time to time.

3. Before proceeding further, it would be pertinent to take note of the fact that earlier all the writ petitions were heard together and came to be disposed off vide order dated



16.05.2024, directing the Vice Chancellor of the University to constitute a fresh governing body in accordance with law.

4. The order aforesaid was put to challenge by respondent no. 8, Rukmini Devi, wife of Late Dr. Prabhu Nath Singh (in C.W.J.C. No.12189 of 2023), who claims herself to be doner member of the governing body of the college in question by filing Letters Patent Appeal No. 624 of 2024. Dr. Nageshwar Prasad Singh, who is also respondent no.8 in CWJC No. 9583 of 2023, has preferred Letters Patent Appeal No. 626 of 2024 in CWJC No. 9583 of 2023 and further Letters Patent Appeal No. 629 of 2024 in CWJC No. 12189 of 2023.

5. The learned Division Bench, having heard the learned Advocate for the respective parties, please to set aside the order dated 16.05.2024 and remanded the matter to the learned Single Judge while restoring CWJC No. 9583 of 2023.

6. In view of the order passed by the learned Division Bench of this Court, CWJC No.9583 of 2023 stood restored along with other two writ petitions.

7. Having gone through the relief(s) sought for in all the writ petitions and after perusal of the materials, this Court finds that there is inter se dispute between the members of the governing body/ad hoc governing body, which are to be looked



into by the Syndicate and the Vice Chancellor of the University. Hence, there is no necessity to adjudicate such issues, especially raised in CWJC Nos. 12189 of 2023 and 12736 of 2023.

8. Now coming to CWJC No.9583 of 2023, the petitioner, who is claiming himself as teachers' representative of the governing body, has preferred the writ petition for the following reliefs:-

“1. For quashing Letter No.1749(R) dated 27.06.2023 issued by the Registrar of the Jai Prakash University, Chapra (Annexure-6) in compliance of the letter No.J.P.U.-01/2022-892 GS(1), dated 12.06.2022 of the Governor's Secretariate, Bihar, Patna by which strangely he was quashed letter No.1416(R) dated 05.04.2023 issued by the then Registrar by the order of the present Vice Chancellor, Jai Prakash University (Annexure2) nominating four members for constitution of the regular Governing Body of Dr. P.N. Singh Degree College, Chapra and further dissolved the duly constituted regular Governing Body by the then Registrar by the order of the Vice Chancellor of the Jai Prakash University vide Memo No. 1538(R) dated 11.05.2023 (Annexure-5) after exhausting all the require procedure in this regard and revived the non existing Ad-hoc Committee constituted vide Memo No. 4958(R) dated 25.09.2021 (Annexure-1).



II. For holding that the order impugned has been issued in gross violation of Clause 28 of the Statute 32 of Service Statutes of the University without having any reasonable opportunity to the duly constituted Governing Body.

III. For holding that the order impugned is legally unsound having without jurisdiction as within the provision of Clause-28 of the Statute 32 of Service Statutes of the University the power to dissolve or suspend the Governing Body of any admitted college is specifically vested in syndicate and it would apply only in given circumstances therein after having given reasonable opportunity to the Governing Body.

IV. For any other relief(s) for which the petitioner may be found entitled to in the actual matrix and legal aspects of this case.”

9. Learned Advocate for the petitioner, while pressing the writ petition, submitted that after completion of tenure of the then governing body of the college, the Vice Chancellor of the University dissolved the same and constituted an Adhoc Committee in the college vide memo no.4958(R) dated 25.09.2021. The said Ad-hoc Committee continued to manage the affairs of the college for a long period whereafter the Vice Chancellor of the University has constituted a governing body of the college vide memo no. 1416(R) dated 05.04.2023. In the



notification dated 05.4.2023, the Principal of the college was directed to get election of the teachers' representative and doner member and send their names for constitution of the regular governing body. Accordingly, the name of the petitioner as teachers' representative and one doner member, namely Rukmini Devi, have been sent which were duly approved by the Vice Chancellor and in this regard Letter No. 1486(R) dated 28.04.2023 has been issued by the Registrar of the University. Further, the University vide Letter No. 1521(R) dated 06.05.2023, directed the In-charge Principal to elect the President and Secretary so that a regular governing body may be constituted and finally, after following all the formalities, the Vice Chancellor has constituted a regular governing body of the college vide Memo No.1538(R) dated 11.5.2023.

10. The duly constituted governing body held its meeting on 15.05.2023, but all of a sudden, the Vice Chancellor of the University came out with a communication vide Letter No.1749(R) dated 27.6.2023, whereby the Secretary/Professor In-charge of the college has been informed that, in compliance of Letter No. J.P.U.-01/2022-892 GS (I), dated 12.06.2022, issued by the Governor Secretariat, earlier Letter No.1416(R) dated 05.04.2023 is quashed and the Managing Committee



formed is dissolved. The said Letter No. 1749(R) dated 27.06.2023 further states that the Managing Committee before issuance of Letter No.1416 (R) dated 05.04.2023 is revived.

11. Narrating the aforesaid facts, the learned Advocate for the petitioner has submitted that by virtue of Annexure-6, the ad-hoc committee, which was constituted vide Memo No. 4598 (R) dated 25.9.2021, has been revived, which has an effect of dissolving the present governing body. Assailing the impugned order of dissolution of the governing body, it is vehemently submitted that in the matter relating to dissolution of governing body a procedure has been laid down under the Statute of the University. In terms with proviso to sub-clause (2) of Clause 28 of the Statute 32, before dissolution of the governing body or passing any other order, the Syndicate is obliged to give a reasonable opportunity to the governing body to show cause against such action. However, it is the admitted position that no show-cause has been issued and only on a mere direction issued from the office of the Chancellor, the Vice Chancellor has restored the earlier position which was existing prior to formation of the governing body.

12. This Court, while hearing the matter, vide order dated 13.07.2023, considering the submissions of the learned



Advocate for the parties, had directed the learned counsel for the Chancellor and the University to ensure the filing of their respective counter affidavits. Further, on being found that the impugned order as contained in Annexure-6 has been issued by the Vice Chancellor of the University on a mere communication from the Governor Secretariat without following the established procedure of law, stayed the operation of the order as contained in Letter No. 1749 (R) dated 27.6.2023.

13. In compliance with the order of this Court, a counter affidavit has been filed on behalf of the office of the Chancellor, Universities of Bihar.

14. This Court has been apprised that with respect to on going dispute in the college in question, certain representations were received in the Governor Secretariat highlighting irregularities with respect to constitution of the governing body. Thus, the Hon'ble Chancellor with a view to stem the growing discontentment, took a considered decision to direct the Vice-Chancellor to cancel the Letter No. 1416 (R) dated 05.04.2023. However, at the same time, while directing for cancellation of the aforesaid notification, the Hon'ble Chancellor expected that before cancelling the impugned notification dated 05.04.2023, in compliance of his order, the



Vice-Chancellor of the University shall follow the statutory provisions in this regard.

15. It would be apt and proper to quote para-14 of the counter affidavit filed on behalf of the office of the Chancellor of Universities.

“14. That it is a well-settled principle of law which has the judicial approval that if an act has to be done in a particular manner in terms of the mandate of the Statutory provisions, then it has to be done in that way only. The Hon'ble Chancellor having considered the entire gamut of facts directed the Vice-Chancellor to cancel the letter by which Governing Body of the College has been constituted but at the same time Vice-Chancellor was duty bound to comply the aforesaid directions strictly in consonance with the provisions as laid down in the BSU Act 1976 (as amended up-date).”

16. Now coming to Statute 32 regarding governing body, especially Clause 28 thereof, which deals with suspension or dissolution of governing body or cancellation of grant-in-aid to the college.

17. Clause (1) of Statute 28 clearly stipulates that the Syndicate may on its own motion or at the instance of the Vice-Chancellor (i) suspend the Governing Body for a specific period or (ii) dissolve a Governing Body and order its re-constitution,



or (iii) cancel grant-in-aid to the college for the following reasons:-

“(a) That the college has failed to comply with the directions issued by the Syndicate under the laws of the University within a specific time,

(b) That the college has failed to observe the provisions of the laws of the University

(c) That the accounts of grants made to the college have been improperly utilized; and

(d) That the affairs of the college in the opinion of the Syndicate have been grossly mismanaged.”

18. Bare reading of the afore-noted provisions, it is manifest that the Syndicate is empowered to take the decision of suspension or dissolution of governing body either on its own motion or at the instance of the Vice Chancellor. However, the proviso of the same clause makes it clear that before ordering suspension or dissolution of the governing body and before passing any order indicated above, the Syndicate shall give a reasonable opportunity to the governing body to show cause against such action.

19. The materials available on record, especially the order of the Vice Chancellor, whereby the Letter No.1749(R) dated 27.06.2023 issued in compliance of the Letter dated



12.06.2022 of the Governor Secretariat, dissolving the duly constituted regular governing body, is passed without any show-cause notice or opportunity of hearing by the Syndicate, contrary to the specific provisions prescribed under Clause 28 of the Statute.

20. The fact, that before dissolution of the governing body, no show-cause notice or any opportunity of hearing has been advanced; it has not been confronted by any of the parties.

21. It is trite law that where a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner [**Taylor v. Taylor 1875 LR1 CHD 426**].

22. The counter-affidavit filed by the office of the learned Chancellor also expected from the Vice Chancellor that before issuance of the impugned order, the procedure which has been prescribed under the Statute and the Act must be followed.

23. Once, from the facts and materials available on record, it is manifest that the statutory prescriptions have not been followed before issuance of the impugned order, this Court has left with no option but to set aside the order contained in Letter No.1749(R) dated 27.6.2023 (Annexure-6).

24. The Vice-Chancellor, Jai Prakash University,



Chapra is directed to take appropriate action afresh in accordance with law, keeping in mind the provisions discussed hereinabove and pass a fresh order in accordance with law and thereupon to proceed for constitution of a regular Governing Body of the College.

25. It is expected that the entire exercise must be completed within eight weeks from the date of receipt/production of a copy of this order.

26. C.W.J.C. No. 9583 of 2023 stands allowed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2026
Transmission Date	

