

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.530 of 2026

Raj Kishore Mishra Son of Jaynandan Mishra, Resident of Village Chandauna, 89, Ward no 2, PS Jale District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice Chancellor, L.N. Mithila University, Darbhanga.
4. The Registrar, L.N. Mithila University, Darbhanga.
5. The Finance Officer, L.N. Mithila University, Darbhanga.
6. The Principal, Mahakavi Kalidas Suryadeo Mahavidyalaya, Trimuhan, Chandauna, District Darbhanga, a constituent unit of L.N. Mithila University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For the Respondent/s	:	Mr. Government Advocate (11)
For the University	:	Mr. Bindhyachal Rai, Adv.

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 20-02-2026 Heard the learned counsel for the respective parties.

2. The instant writ petition, in the nature of Public Interest Litigation, has been filed seeking the following relief(s):-

"1. (1) That this writ application is being filed in the nature of the Public Interest Litigation (PIL) for a direction to conduct an enquiry



through Vigilance regarding embezzlement about Rs.5,00,00,000/- (Five Crore) of internal sources of Mahakavi Kalidas Suryadeo Mahavidyalaya, Trimuhan, Chandauna, District-Darbhanga (hereinafter MKS College, Chandauna) as the University vide Memo No. 153/23 dated 05.06.2023 has accepted the embezzlement of college fund of approximate Rs. 3,00,00,000/- and for a direction to take appropriate step for recovery of said public amount which has been syphoned but the respondent University has not taken any step.

(II) For a direction to take appropriate action against the responsible persons involved in embezzlement of college fund and/or any other relief/reliefs for which the petitioner may found to be entitled in the facts and circumstances of the case.”

3. The main ground that has been taken is that the action of the respondent authorities is arbitrary, *mala fide*, unreasonable, unconstitutional and wholly untenable in law. It has been specifically alleged that the Principal, who functioned during the period from July, 2021 to 11.04.2023, was involved in embezzlement and misappropriation of the College funds; however, no appropriate or lawful action has been taken against him by the competent authorities in accordance with law.

4. When the matter was taken up on 22.01.2026, we asked the learned counsel for respondent nos. 3 to 5 to apprise



the Court about the status of the proceedings stated to have been initiated against Dr. Phulo Paswan, Principal, M.K.S. College, Trimuhan, Chandauna, Darbhanga.

5. The learned counsel for the respondents no. 3 to 5 has filed a counter affidavit, wherein statements have been made in paragraph nos. 6 and 9, which read as follows:

“6. That Dr. Phulo Paswan, the-then Principal of M.K.S. College, pat Trimuhan Chandauna, Darbhanga and posted as Principal, C.M.B. College, Deorh Ghoghardiha, Madhubani at that point of time the was put under suspension on recommendation made by the Committee constituted vide memo no. SC/134/23 dated 10-05-2023 based upon the prima facie evidence available against him for the charges of financial irregularities, embazzelment of College fund of approx Rs. 3,00,00,000/- (Rs. Three Crore approx), gross misconduct, correction and dereliction of duty during his tenure as the Principal, M.K.S. College, Trimuhan of Chandauna, Darbhanga and during the period suspension his Headquarter was fixed at S.B.S.S. College, Begusarai (as annexed as Annexure-P-2 of the writ petitioni An office order vide memo no. SC/236/23 dated 31-07-2023 was issued to appoint Prof. Ashok Kumar Bachchan, Dean Faculty of Humanities, Lalit Narayan Mithila University, Darbahanga as conducting officer and Dr. Divya Rani Hansda, Deputy



Registrar-II. Lalit Narayan Mithila University, Darbhanga as presenting officer for initiation of proceedings against Dr. Phulo Paswan, Principal under was also framed through suspension. Chargesheet memorandum vide letter no. SC/235/23 dated 31-07-2023. A Committee issued letter to Dr. Paswan to be present before the Committee for conducting Departmental Proceedings on 11-08-2023 at 1:00 P.M. vide letter no. SC/238/23 dated 01-08-2023. Dr. Paswan was present at the time of meeting.

9. That on the recommendation of the Committee, suspension of Dr. Phulo Paswan was revoked vide memo no. SC/05/24 dated 05-01-2024 with following:

- i. Suspension be revoked.*
- ii. The period of presence' and 'absence' be obtained from the Principal of S.B.S.S. College, Begusarai*
- iii. Payment of salary be made for presence period and rest after sanction of leave for absence period.*
- iv. Two (02) annual increments of Dr. Phulo Paswan, Principal be reduced from the date of notification.*
- v. Dr. Paswan be warned not to repeat such action in future.*
- vi. With above mentioned conditions, the suspension of Dr. Phulo Paswan, Principal is revoked and he is posted as the Principal of R.C.S. College, Manjhaul,*



Begusarai with immediate effect.”

6. On the basis of the counter affidavit, we are of the view that not only a Committee was constituted to inquire into the matter but a departmental proceeding was also initiated. Dr. Phulo Paswan, the then Principal, was placed under suspension. Subsequently, by notification of the University, two annual increments were reduced with effect from the date of such notification, and he was cautioned not to repeat such conduct in future. However, the order of suspension was later revoked, and he was posted as Principal of R.C.S. College, Manjhaul, Begusarai with immediate effect.

7. In view of the counter affidavit filed on behalf of respondent nos. 3 to 5, we are of the considered opinion that nothing survives for adjudication in this Public Interest Litigation. Accordingly, the same stands closed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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