



GOVERNOR'S SECRETARIAT, BIHAR  
RAJ BHAVAN, PATNA-800022

e-mail  
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Letter No.-LNMU-14/2012-

/GS (I),

Dated-

From,

M.M. Choudhary  
Officer on Special Duty (Judl.)

To,

The Vice Chancellor,  
L.N. Mithila University,  
Darbhanga.

Reg :- Representation of Shri Satrughan Prasad Singh, Ex MP, President, Governing Body, Ram Charitar Singh Mahavidyalaya, Bihat, Begusarai for setting aside the University notification contained in memo no. 6909-17/12, dated 18.04.2012.

Ref:- Hearing by the Hon'ble Chancellor, Universities of Bihar on 24<sup>th</sup> June, 2013 at Raj Bhavan, Patna.

Sir,

I am directed to invite a reference to this Secretariat's letter No. LNMU-14/2012-1245/GS(I) dated 19.06.2013 on the subject noted above and to inform that the Hon'ble Chancellor, after hearing the concerned parties and the University, has been pleased to pass the following order :-

**ORDER**

**Hearing on the appeal / representation of Shri Shatrughan Prasad Singh, Ex-President, Governing Body, Ram Charitar Singh Smarak College, Bihat, Begusarai, dated 10.5.12 and intervener petitions dated 7.4.2013 of Shri Lalan Kunwar, Secretary, Governing Body-cum-MLA, RCSS College, Bihat and dated 1.6.2013 of Shri Amresh Shandilya, President, Governing Body, RCSS College, Bihat were taken up and during the hearing, the appellant Shri Shatrughan Prasad Singh, Smt. Nivedita Nirakar, Counsel on behalf of the LN Mithila University, Darbhanga, Registrar, L N Mithila University, Darbhanga, Advocate of two intervener petitioners, Shri Yugal Kishore, Sr. Advocate, Patna High Court, were present.**

**In his appeal / representations, Shri Shatrughan Prasad Singh has prayed for setting aside the University's notification no. 6909-17/12, dated 18.4.2012 by which the notification no.4370-78/11, dated 5.4.2011 has been modified in pursuance of the order dated 5.12.2011 passed in CWJC No. 19726 of 2011 of the Hon'ble Patna High Court and further prayed that the notification in memo no 4370-78/2011 dated 5.4.2011 be allowed to continue.**

**The case of the petitioner, in short, is that the modification / amendment is completely in violation of Section 60 of the Bihar State Universities Act, 1976 as**

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amended upto date as well as Statute No.32 and has placed wrong reliance on Section 57(A) of the BSU Act and further there is no provision in the BSU Act or Statute for review of the order declaring someone as donor. Moreover the University is a quasi-judicial body and has no power to review its own decisions. The Statute No. 32 provides term of the Members of the Governing Body in case of public representative which is three years and they can be removed only in case their functioning is found detrimental to the interest of the College.

One Smt. Babumati Devi has challenged the constitution of the Governing Body of the RCSS College, Bihat, Begusarai by filing a writ bearing CWJC No. 19726 of 2011 claiming that the constitution of the Governing Body was contrary to the provision of the BSU Act. The Hon'ble Patna High Court by order dated 5.12.2011 directed the Vice-Chancellor, L N Mithila University, Darbhanga for disposal of the representation in accordance with law.

The further case of the petitioner is that the representation involves issues concerning Section 60 of the BSU Act, 1976 and the matter is to be decided in the light of the issues raised in the representation. He has stated that in terms of Section 60 of the BSU Act, by the order of the Vice-Chancellor a notification no.4370-78/11, dated 5.4.2011 has been issued constituting the Governing Body of the College with a direction to the Professor In-charge to elect the Educationist within 21 days.

The petitioner also stated that there is no provision in BSU Act or Statutes for review of the order declaring some one as donor. Moreover the University has no power to review its own order. The notification with regard to the teachers representative directing the Principal to elect a person as teachers representative who has been legally appointed on the recommendation of the College Service Commission under Section 57A of the BSU Act is not only un-warranted but also illegal arbitrary and malafide.

During the course of hearing the petitioner submitted that since last 14 months all financial transactions of the College are held up and payments are not being made to the employees of the College. He also submitted that it is wrong to allege on behalf of the intervenors that he has been misusing the College fund and interfering in the administration of the College in any manner.

As per Section 60(ii) of the BSU Act, 1976, election is to be from amongst the teachers in the College and there is no distinction between sanctioned post and concurred posts. The term of members of the Governing Body in case of public

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