



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

e-mail/Speed

Letter No.-BU-53/2010-...../GS (I),

Dated-

From,

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

To,

The Vice Chancellor,
B.R.A. Bihar University.
Muzaffarpur..

Reg :- M.J.C. No. 840 of 2011 of the Patna High Court (Dr. Nishi Kant Pathak Vrs.The Chancellor and others) in the light of representation against termination of services of Dr. N.K. Pathak, Lecturer, Deptt. of Commerce, Pandit Ugam Pandey College, Motihari by the Governing Body.

Ref:- Hearing by the Hon'ble Chancellor, Universities of Bihar on 24.05.2013 at Raj Bhavan, Patna.

Sir,

I am directed to invite a reference to this Secretariat's letter No. BU-53/2010-788/GS(I) dated 20.05.2013 on the subject noted above and to inform that the Hon'ble Chancellor, after hearing the concerned party and the University, has been pleased to pass the following order :-

ORDER

In the instant appeal Dr Nishi Kant Pathak, Ex-Lecturer of Commerce, Pandit Ugam Pandey College, Motihari in his appeal / representation dated 14.1.2009 has prayed for setting aside the order of the Governing Body of the College dated 13.10.2007 whereby his service has been terminated and directing the University for his re-instatement in service of Lecturer.

The case of Dr N K Pathak in brief is that he is a duly appointed Lecturer in the Department of Commerce of Pandit Ugam Pandey College, Motihari. He has rendered 18 years of uninterrupted service in the College. Recently, he has come to know that in the meeting of the Governing Body of the College dated 13.10.2007 an illegal and arbitrary decision has been taken to terminate his service without affording any opportunity to appear before the Governing Body.

His case further is that the Centre Superintendent of LND College, Motihari by his letter dated 14.12.2005 had personally requested him for invigilation work in examinations of Session 2005 after doing his duty in his own College and in the light of the said letter, he did invigilation work in LND College, Motihari from 16.12.2005 to 13.2.2006. The Principal, Pandit Ugam Pandey College took this matter to be a serious case of indiscipline got a show cause notice issued to him by the Governing Body. He then submitted his show cause reply explaining the correct position. Subsequently, several allegations were made against him and he was forbidden from taking classes.

Thereafter the Principal of the College by making false statement before the members of the Governing Body of the College got a decision taken for termination of his services in the meeting of the Governing Body dated 13.10.2007 which is illegal.

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During the hearing of the case, the petitioner, the representative of the University and the representative of the Education Department, Govt of Bihar were present.

During hearing, the petitioner reiterated what has already been stated in his representation mentioned above. Thereafter the representative of the University (Proctor) present in the hearing told that on examination of the case of the petitioner, it has been found that the punishment of termination of service imposed on Shri Nishi Kant Pathak is harsh.

The Principal of the College, present in the hearing raised objection and submitted that the previous conduct of the petitioner as a teacher was highly objectionable in as much as he disobeyed the orders of the Principal of the College and used improper languages in his reply to the show cause issued to him.

After hearing the parties and considering the representation of the petitioner, I find that the punishment of termination of service of Dr N K Pathak as a Lecturer is very harsh and a lenient view of the matter is required to be taken. Accordingly, decision of the Governing Body of the College taken in its meeting 13.10.2007 is hereby set aside and Dr N K Pathak is ordered to be taken into service and reinstated to his post of Lecturer in Commerce, Pandit Ugam Pandey College, Motihari with effect from the date of termination of his service. However, he will not be entitled to get salary for the period during which he was out of service.

PATNA

Dated the 24th May, 2013

Sd/-

(D Y Patil)

Chancellor, Universities of Bihar

Further necessary follow-up action may kindly be taken forthwith.

Yours faithfully,

Sd/-

(M.M. Choudhary)

Officer on Special Duty (Judl.)

Dated-

Memo No:- BU-53/2010- /GS (I),

Copy forwarded to the Principal Secretary, Education Department, Govt. of Bihar, Patna for information.

Sd/-

Officer on Special Duty (Judl.)

Dated-

Memo No:- BU-53/2010- /GS (I),

Copy forwarded to Dr. N.K. Pathak, Lecturer, Deptt. of Commerce, Pandit Ugam Pandey College, Motihari, Address- Chandmari Railway Gumti, Behind of Basco Motors, Motihari for information.

By Regd. Post

Sd/-

Officer on Special Duty (Judl.)

Dated- 5.6.2013

Memo No:- BU-53/2010- 1102 /GS (I),

Copy forwarded to I/c Computer Cell for uploading on the website of Raj Bhavan, Patna.

Officer on Special Duty (Judl.)