



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

Dated

Letter No.SU(HC)-21/2013-

/ GS(I)

From,

N.K. Singh
Under Secretary

To,

All the Vice Chancellor
Universities of Bihar

Sub:- Compliance of the order of the Hon'ble High Court, Patna dated 20.09.2013 passed in CWJC No. 19754/2012 (Ramesh Kumar & KSD Sanskrit University, Darbhanga & Ors) for restoration of autonomy of the affiliated colleges as laid down in Section 59 of the BSU Act, 1976.

Sir,

I am directed to invite a reference to the subject noted above and to quote the provision as contained in Section 59 of Bihar State Universities Act, 1976 as amended up to date:-

Section 59.-Relation of affiliated College with the University.-The relations of the affiliated Colleges with the University shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the Colleges affiliated to the University:-

1. to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such Colleges;
2. to approve the action taken by the governing bodies of such colleges in regard to creation of posts of teachers, their appointments, dismissal, discharge, removal from service, termination of service and determination of term of post (and to approve the deputation of teachers to the Intermediate College delinked from the affiliated Colleges;)
3. to co-ordinate and regulate the facilities provided and expenditure incurred by such Colleges, in regard to libraries, laboratories and other equipments for teaching and research;
4. to require such Colleges, when necessary, to confine the enrolment of students to certain specific subjects;
5. to regulate conditions of service of teachers of such colleges including the grant of leave with or without allowances and the constitution of pension, insurance, and provident funds for the benefit of such teachers; and
6. to require satisfactory arrangements for tutorial and similar other work in such colleges and to inspect such arrangements from time to time.

Provided that such colleges shall supplement such teaching by tutorial or other instruction of training in a manner to be prescribed by the Regulation to be made by the Academic Council.

While enclosing a copy of order passed in CWJC No. 19754/2012 (Ramesh Kumar & KSD Sanskrit University, Darbhanga & Ors.) the order of the court as contained in para 7 of aforesaid order is reproduced below:-

"This Court, therefore, would direct the Acting Vice-Chancellor of the University to place the entire matter before the Syndicate for evolving a policy as to how the University intends to secure attendance of teachers and non teaching employees in the affiliated Colleges without causing any interference in the autonomy of such affiliated Colleges. In this regard it has to be kept in mind that the Syndicate has been vested with power under Section 19 of the Act read with the Statutes to decide the cases arising out of breach of terms and conditions of affiliation by the affiliated Colleges. Thus, it will be well within the power of the Syndicate to also lay down certain terms and conditions for ensuring maintenance of academic discipline in the affiliated Colleges violation whereof will not be stoppage of payment of salary of the employees of the affiliated college but only disaffiliation of the College itself. This exercise, therefore of laying down a firm policy and guidelines must be completed by the University and its Syndicate within a period of six month from the date of receipt/production of a copy of this order, so that a similar situation does not arise in future".

You are accordingly directed to consider the matter in the next meeting of Syndicate and send the resolution to this Secretariat so that a guideline may be issued by the Hon'ble Chancellor after considering the opinion of Syndicate of different Universities.

This may kindly be given Priority.

Yours faithfully


Encl:- As above.

Sd/-
(N.K. Singh)
Under Secretary
Dated 28-02-2014

Memo No. No.SU(HC)-21/2013- 371 /GS(I)

Copy along with copy of order of Hon'ble High Court in CWJC No. 19754/2012 (Ramesh Kumar & KSD Sanskrit University, Darbhanga & Ors) forwarded to Scientific Officer, I/C Computer Cell for uploading on the website of Raj Bhavan./Guard file for record.

Encl:- As above.


(N.K. Singh)
Under Secretary