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**(1996) 02 RAJ CK 0006**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 2864 of 1995**

Professor B.L. Verma

APPELLANT

Vs

University of Raj. and Others

RESPONDENT

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**Date of Decision :** 26-02-1996

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (1996) 3 RLW 210 : (1996) 3 WLC 212 : (1996) 1 WLN 566

**Hon'ble Judges :** V.K. Singhal, J

**Bench :** Single Bench

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## Judgement

V.K. Singhal, J.—The only controversy which has been raised before me is with regard to the selection of respondent No. 3 Shri S.C. Pandey as Dean of Law Faculty.

2. The submission of the learned counsel for the petitioner is that he is not eligible as he is the principal of University, Law College which is a constituent college and not an affiliated college.

3. Attention has been drawn to the provisions of Section 24-B of the University of Rajasthan Act in which under clause (I)(b) for the faculty of law it is provided that the University Professors of Law or Principals of Law Colleges would be the Dean of the Faculty which has to be appointed by the Vice Chancellor.

4. It is submitted that the definition of Principal u/s 2-A has provided, "Principal" means the head of an affiliated college or any person duly appointed to act as such.

5. The submission of Mr. A.K. Sharma on behalf of the University is that the definition clause is not applicable because u/s 2 it is mentioned that in this Act and in the statute unless there is anything repugnant in the subject or context the definition could be applied. Section 24-B(1)(b) does not adopt the definition given. This contention of the learned counsel for the respondents has no force because the exclusion of definition is contemplated when the meaning given in

the definition clause is repugnant to the subject or context which is not the case and it cannot be said that by adopting the definition of "principal" which means the head of affiliated college or any person duly appointed to act as such, any repugnancy would be if the section itself. Attention has also been drawn to the provisions of Section 24-A(3) wherein it has been provided that the Faculty of Law will consist of (i) the Dean of the Faculty; (ii) University Professors and Readers in the subjects assigned to the Faculty; (iii) Principals of separate Colleges of Law; (iv) The Head of the Department of Law, being a whole-time teacher of Law from each college, which is not a separate Law College; (v) two teachers of Law in the University to be co-opted by the Faculty; and (vi) three persons not being teachers in the University or any of its affiliated colleges to be co-opted by the Faculty.

6. It is submitted that the University of Law College has its own importance and it could not have been intended by the Legislature that the words Principal of Law colleges used in Section 24-B(1)(b) is restricted only to the Principals of the affiliated, Law College.

7. I have considered over the matter. It is no doubt true that the respondent No. 3 is Principal of the University Law College. The said Law College is not an affiliated college, but is a constituent college. It might have been an intended mistake at the time when the Act was made, but the context of Section 24-B(1) (b) cannot be interpreted to mean that the words "Principal of Law College" would include the Principals of affiliated colleges as well as constituent colleges. The Principals of Law Colleges would only mean the Principals of all the affiliated colleges. Section 32 has specified affiliated colleges as under--

The affiliated colleges shall be such as may after the commencement of this Act, be recognised by the Syndicate in accordance with this Act and Statutes, but shall include all colleges recognised at the commencement of this Act as colleges of the University so long as such recognition continues.

8. The language of this section cannot be considered to have a different context. It is a basic principle of law that the definition clause would normally be applicable unless the context of the section otherwise require or by applying the definition, the manner is repugnant to the subject. Nothing is found by which it could be said that the word "Principal" as used u/s 24-B(1)(b) if is interpreted to mean as the Head of affiliated college would give to any absurd construction or would lead to a conclusion that was not provided under the section. The definition clause in the statute is with the object to avoid repetition of the same language in different sections and, therefore, the Legislature has to be precise and careful in its choice of language in a definition section. If the definition clause itself is ambiguous, then it may require an interpretation by the Court, but the language espoused u/s 2-A cannot be considered to be having any ambiguity. The language used in the definition clause defines with precision and certainty meaning of the word "Principal". Another question may also arise as to whether the definition is contrary to the context. The normal rule is that the definition

given in the definition clause is enacted in the section itself where the word is so used. The definition whether could be considered contrary to the subject or context or is repugnant there to has to be established by the respondents and any repugnancy has not been pointed out nor it has been said to be contrary to the subject or context and the only submission is made that it should be given a broader meaning so as to include constituent colleges. On plain reading of the Section, it cannot be considered that the Legislature has intended to give a meaning different than contained in the Section 2(a). There is not even exclusion of application of definition clause on the theory of "applicana singula singlis" so as not to apply the definition clause in the section.

9. The contention of the learned counsel for the University has force, but in the absence of specified language used and definition given, I am constrained to take the above view. However, it will be open for the University for making appropriate changes in the Act.

10. The inclusion of constituent colleges in the definition of "principal" which has contemplated only the affiliated colleges cannot be allowed. The Court cannot add or subtract any word in the legislature and has to interpret on the basis of the language used in the statute. If any unwanted result comes, it is for the Legislature to step-in.

11. In view of this interpretation, the writ petition is allowed and it is held that the appointment of respondent No. 3 is not in accordance with law. However, the petitioner cannot be appointed in his place on account of above interpretation and afresh exercise will have to be undertaken by the Vice Chancellor in accordance with the provisions of the Act and the Rules.

12. It is also pointed out by the learned counsel for the petitioner that he was appointed as Dean on 29.6.1995 and the order was kept in abeyance on the same day and was cancelled on 1st July 1995. The said order was passed without giving any hearing to the petitioner. The misconduct alleged against the petitioner is of slapping the Dean, Faculty of law, Professor T.Bhattacharya. The fact of slapping has been denied. The factual position can be ascertained only on the basis of evidence and it is not possible for this court to ascertain in the extra ordinary Jurisdiction under Article 226 of the Constitution of India. There may be criminal action as alleged pending or inquiry pending, but in view of the order passed above, I feel that the petitioner may also be heard by the vice chancellor before undertaking the exercise for appointment of new Dean in accordance with the directions given above and the candidature of all the eligible persons would be considered.

13. The writ petition is accordingly partly allowed.