
(2005) 02 JH CK 0030

In the Jharkhand High Court

Case No : WPC No. 6726 and WPS No. 6442 of 2004

Raj Kumar Thakur and Staff Association, B.V. Parikh Janta
College and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-02-2005

Acts Referred:

Citation : (2005) 2 JCR 161

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

**Advocate : M.S. Anwar, Afaq Ahmad and Altaf Hussain, for the Appellant;
Sheela Pd. and A.K. Mehta and JC to AAG., for the Respondent**

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—The petitioner of WPC No. 6726/2004 is the father of two girl students, namely Preety Kumari and Miss Rashmi Kumari and the petitioners of WPC 6442/2004 are the Association of teaching and non-teaching staff of B.V. Parikh Janta College, Jamshedpur. The petitioner of WPC 6726/2004 has filed the writ petition for quashing the letter No. 672, dated 11.6.2004 issued by the Deputy Secretary, Human Resources Development Department, (Higher Education), Government of Jharkhand, Ranchi whereby a decision has been taken to close down the said college and transfer all the teaching and non-teaching employees and also for quashing the resolution of the Ranchi University Syndicate dated 1.4.2004 and 15.4.2004 whereby they have decided to transfer all the teaching and non-teaching employees to other colleges. The petitioners of WPS 6442/2004 have prayed for a direction upon the respondents to make payment of their salary which has not been paid to them since April, 2004 onwards.

2. The college in question is a constituent college of the Ranchi University. Petitioner's case is that the said college imparts education upto B.A. Hons. and B. Com. Hons. and at present there are 785 students in the college. Ranchi

University Syndicate in its meeting dated 1.4.2004 and 15.4.2004 took a decision to transfer the teaching and non-teaching employees and students to other college and the Government has taken a decision to close down the college.

3. Mr. Sohail Anwar, learned counsel appearing on behalf of the petitioners firstly submitted that the Government has no power to close the college. Learned counsel submitted that the Syndicate has not taken any decision for the closure of the college and, therefore, the Government's action is wholly illegal and arbitrary. Learned counsel submitted that in the event the college is closed, the students shall suffer serious inconvenience and difficulties in taking admission in different colleges.

4. In the counter affidavit filed by the respondents-State it is stated that the B.V. Parikh Janta College, Jamshedpur which is a constituent college of Ranchi University has neither its own land or building and it does not conform to the guidelines for affiliation. The Syndicate was informed that the University officers and the Vice Chancellor themselves visited the college several times but did not find any class running and even no attendance register for the students were maintained. The University constituted a committee which also confirmed that no teaching was done in the college. The Principal of the college was also traceless. The Syndicate, therefore, recommended for closure of the college on the recommendation of High Power Committee of the University.

5. The respondent-University, in its counter affidavit, has stated that the college in question is an Evening College and the college has not even its own land. After taking decision for closure of the college, the students have been given option to take admission in any of the colleges of their own choice in Jamshedpur. It is stated that about six colleges situate in the town of Jamshedpur and the students may take admission in any of the colleges of their choice to continue their studies. It is further stated that there are other colleges in Jamshedpur which have better academic result and are also constituent colleges. The students are at liberty to join any college or any other constituent college.

6. It has not been disputed by the respondents that the college has neither its own land or building and does not conform to the guidelines for affiliation of a college. Evening classes are said to have been running in a building owned by different person. Taking into consideration these facts, the decision of the syndicate and the Government to close such college is fully justified. So far inconvenience to the students is concerned as alleged by the parents who are the petitioners, I am of the opinion that merely because of inconvenience to some of the students, a college which has no land or building cannot be allowed to run without fulfilling the guidelines. Moreover, there is no question of inconvenience when the University has given option to the students to take admission in any of the six constituent colleges situate in the town of Jamshedpur.

7. So far non-payment of salary to the teaching and non- teaching staff is concerned, the University shall take up the matter and the Vice Chancellor shall

take a decision for the release of admitted salary and legal dues payable to the teaching and non-teaching staff within a period of one month from the date of production of a copy of this order.

8. For the aforesaid reasons, W.P.(C) No. 6726 of 2004 is dismissed and W.P. (S) No. 6442 of 2004 is disposed of with the aforesaid direction.