

(2020) 12 PAT CK 0344

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 3512 Of 2020

Shyam Lal Yadav

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 11-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0344

Hon'ble Judges : Sanjay Karol, CJ; Partha Sarthy, J

Bench : Division Bench

Advocate : Md. Kamran, Ashutosh Ranjan Pandey, Arvind Kumar, Archana Pallavi Khopde, Arun Kumar Arun

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

â??A. For issuance of an appropriate writ in the nature of mandamus directing the respondents to conduct a Vigilance enquiry as well as audit

inspection of the college in question as early as possible so that the alleged defalcation and mismanagement of the Govt. money/Public money could be

stopped and the guilty could be booked and prosecuted accordingly.

B. For issuance of an appropriate writ/order direction/commands directing the respondent management of the college in question to get registered the

landed property of the college in the name of H.E. Governor of Bihar which is mandatory provision of law.

C. For issuance of an appropriate writ/order direction/commands directing the respondent state to recover the entire defalcated/looted amount from

the persons responsible of the college i.e. D.N.Y. College in question under the appropriate provision of law.

D. For issuance of an appropriate writ/order/ direction/commands debarring the respondent secretary Mr. Gaya Prasad Yadav and the (illegally appointed teacher) and principal in-charge namely Mr. Chandra Shekhar Prasad from discharging any financial/academic duty until the outcome of of vigilance enquiry/ impartial enquiry as well as audit inspection report from the office of respondent Principal Accountant General (Audit) herein respondent no. 2 & 3 as also suggested time to time by the respondent L.N. Mithila University and its syndicate as both the private respondents are doing public duty and looting the public money since long.

E. For issuance of an appropriate writ/order/ direction/commands commanding the respondent university to ensure payment of salary etc. to the commission and lawfully appointed staffs only in accordance with law from the grant issued by the government and recover the amounts paid to the illegal appointees by the governing body under the appropriate provision of law from the person responsible.

F. For issuance of an appropriate writ/order/ direction/commands to the respondent university to ensure reinstatement of lawfully appointed lecturers and non-teaching staffs likewise Dr. Umesh Kumar, a University approved Principal (Illegally removed) Dr. Birendra Kumar and others who have been illegally and arbitrarily dismissed/ terminated from college and are roaming on road for justice only because of non-participation in alleged loot and illegalities of the governing body and also a direction to the respondent university to approve the appointments of lawfully appointed staffs of the college as per provision of law if not done earlier.

G. For any other relief/reliefs which this Hon'ble court may deem fit & Proper in the eye of law and facts & circumstances of the case while at the time of hearing of this case.â??

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

Petition is disposed of with the direction to the respondent nos. 1, 2 and 3, namely The State of Bihar through the Director Higher Education, Govt. of

Bihar, New Secretariat, Patna, Additional Director General, State Vigilance Bureau, Investigation Wing, Patna and Principal Accountant General

(Audit) Birchand Patel Marg, Patna- 800001, to consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

It is clarified that the proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.