

(2003) 07 PAT CK 0013
In the Patna High Court
Case No : L.P.A. No. 74 of 2003

The Registrar, Kameshwar Singh Darbhanga Sanskrit
University

APPELLANT

Vs

Arbind Kumar Pandey and Others

RESPONDENT

Date of Decision : 23-07-2003

Acts Referred:

Citation : (2003) 3 PLJR 607

Hon'ble Judges : R.S. Garg, J; Nagendra Rai, J

Bench : Division Bench

Advocate : K.N. Chaube and Tuhin Shankar, for the Appellant; Madhup and
Durga Nand Jha, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard learned Counsel for the parties.
2. The Appellant is aggrieved by the order dated 20th December, 2002 passed by the learned single Judge, whereby he has allowed the writ application filed by the writ Petitioner Respondent No. 1 for a direction to the Governing Body of Mahanth Shatanand Giri Harihar Sanskrit College, Bodh Gaya, District Gaya to appoint him on the post of Principal.
3. learned Counsel appearing for the Appellant-University has raised only one point that the writ Petitioner Respondent No. 1 did not possess requisite qualification for the post of Principal and in this connection he drew our attention to the document annexed as Annexure-C to the counter affidavit filed in the writ application to show that only the persons having Master Degree in Prachya (Oriental) subject should be made Principal of the College.
4. Learned single Judge having gone into the matter in detail found that under the provisions of Bihar State Universities Act Senate has been empowered to lay down qualification for appointment on the post of teaching staff etc. of the affiliated Colleges by making statutes and the statutes made by the University

shows that the requirement is only high second class Master Degree for the post of Principal and there is no requirement that the person having Master Degree in Prachya (Oriental) subjects should only be appointed as Principal. Learned single Judge also found that the document which has been relied upon by the Appellant-University and issued by the State Government has no statutory force and the same cannot override the statutory provision made under the express provision conferred under the Bihar State Universities Act.

5. We are in full agreement with the view taken by the learned single Judge.

6. In the result, there is no merit in this appeal and the same is accordingly dismissed.