IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17831 of 2025

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Ajay Kumar Singh, S/o Late Rajendra Singh, R/o Yamuna- 06, Road No. 1, Jai Prakash Evening College, Industrial Estate, P.S.- Industrial Estate, Hazipur, District- Vaishali, Bihar, Pin - 844102.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Hon'ble the Chancellor, Universities of Bihar, Raj Bhavan, Patna.
3. Prof. (Smt.) Namita Singh, Officiating Vice Chancellor of the Patna Uinversity, Patna.
4. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
5. The Principal Secretary to the Governor, Governor's Secretariat, Bihar, Rajbhavan, Patna.
6. The Patna University, Patna through its Registrar.
7. The Registrar, the Patna University, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate
		Mr. Prashant Kumar, Advocate
		Mr. Girish Pandey, Advocate
		Mr. Akash Ambuj, Advocate
For the State	:	Mr. Sarvesh Kumar, GP- 24
For the Chancellor	:	Mr. P. K. Shahi, Sr. Advocate
		Mr. Siddharth Prasad, Advocate
For the Patna University	:	Mr. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 11-11-2025

Heard Mr. Amit Shrivastava, learned Senior Advocate, duly assisted by Mr. Prashant Kumar, learned Advocate for the petitioner, Mr. P. K. Shahi, learned Senior Advocate along with Mr. Siddharth Kumar, learned Advocate

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for the Chancellor, Universities of Bihar. The University is represented through Mr. Nadim Seraj, learned Advocate. Learned Advocate for the State is also present.

2. The petitioner is the Vice-chancellor of the Patna University has invoked the extra ordinary jurisdiction of this Court seeking quashing of the order, as contained in Memo No. PU (HG)-08/2025-1948/GS (I) dated 16.10.2025 (Annexure-P/9) issued under the signature of Principal Secretary to Governor, by the order of Hon'ble Chancellor by which in exercise of powers conferred under Sections 10 and 12 of the Patna Universities Act, 1976 (hereinafter referred to as 'the Act, 1976') and the other enabling provisions; a One Member Enquiry Committee has been constituted; Further Prof. Nagendra Kumar Jha, and OSD (J), Governor's Secretariate have been directed to assist the enquiry. It is further directed that the petitioner shall proceed on compulsory leave until the completion of the enquiry and Prof. (Smt.) Namita Singh, Department of English, A. N. College, Patliputra University, Patna has been directed and ordered to function as the Officiating Vice-Chancellor of the Patna University until the completion of the enquiry or until further orders.

3. Mr. Amit Shrivastava, learned Senior Advocate

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for the petitioner referring to Sections 10 and 12 of the Act, 1976 has primarily contended that though no materials are available on record warranting any enquiry, albeit even before placing the petitioner under enquiry, at least an opportunity should be accorded to him or a notice must be caused to be served upon him, as it is the mandate of Section 12(2) of the Act, 1976. In absence thereof, the order impugned is bad.

4. Mr. Shrivastava, learned Senior Advocate further drew the attention of this Court to Statute 10 of the Universities Statutes, especially Statute 3 thereof and submitted that it categorically mandates that in all the cases, where there are reasons to believe that the University servant, if allowed to continue in active service, might attempt to tamper with the evidence, he should be required to proceed on such leave as may be due to him. However, in the case in hand, the petitioner has been directed to proceed on compulsory leave.

5. It is further contended that the petitioner apprehends unfair treatment and the biasness at the hands of one member committee. The apprehension disclosed before the Court has been candidly brought before the Hon’ble Chancellor by filing a detailed representation through the Principal Secretary, Raj Bhawan, Patna, the copy of which is also placed

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at Annexure-P/13. Taking this Court through the detailed representation, it is thus contended that there is every likelihood, the petitioner will not get a fair treatment.

6. Submission has also been made that the very initiation of enquiry also appears to be malafide for the simple reason that when the petitioner had repeatedly sought guidelines for renewal of the terms of the remaining 22 Guest Lecturers that caused resentment in the office of the Chancellor, which led to issuance of the impugned order. It is further urged that the deputation of Prof. (Smt.) Namita Singh, Department of English, A. N. College, Patliputra University, Patna also appears to be not in accordance with the statutory Rules, inasmuch, as, if the petitioner has been forced to leave, in such circumstances, Pro Vice-chancellor should be appointed in his place.

7. Learned Senior Advocate, Mr. P. K. Shahi, representing the Hon'ble Chancellor of the Universities of Bihar, refuting the aforesaid contention has submitted that so far the applicability of Sections 10 and 12 of the Act, 1976 are concerned, the same is wholly misconceived and till date no such decision has been taken, which would affect the right and entitlement of the petitioner and in pursuant to the order of the Hon'ble Chancellor only a Fact Finding Enquiry Committee has

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been constituted to enquire the substance stated in the order impugned.

8. So far the plea of biasness and suspected unfair treatment is pleaded, the same would always remain available with the petitioner, even after conclusion of the enquiry. It is further contended that the submission of the learned Senior Advocate representing the petitioner to the extent that the word “compulsory leave” has been used in the impugned order, the same appears to be superfluous. He also urged that whatever the submissions have been made in the case at hand with regard to apprehension of biasness, the petitioner shall be at liberty to raise this plea before the Committee itself along with other defence.

9. It has also been informed to this Court that since the post of Pro Vice-chancellor is vacant, thus a decision has been taken to depute a Senior Professor as Vice-chancellor of the University.

10. Having considered the submissions advanced by the learned Senior Advocates for the respective parties and after going through Sections 10 and 12 of the Act, 1976, this Court is of the opinion that prima facie from the order impugned, it appears that only direction has been issued to

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conduct an enquiry, enabling the office of the Chancellor to take a further action in the matter. After conclusion of the enquiry, the report shall be submitted before the Hon'ble Chancellor, who shall obviously proceed in the matter after proper service of notice to the petitioner or cause to be shown, which is the mandate of law. It would be pertinent to observe here that preliminary enquiry is for the purposes of collection of facts in regard to conduct and work of a Government servant in order to come to a conclusion as to whether departmental proceeding or any action can be initiated or not.

11. This Court does not find any reason or occasion to interfere in the enquiry, duly conducted by one Member Committee. However, the petitioner shall be at liberty to raise all the pleas before the one Member Committee and if the report of the enquiry committee cause any prejudice to the petitioner, he is at liberty to challenge the same on all the grounds, raised hereinbefore, including the ground of malafide and biasness.

12. Suffice it to observe that the order impugned clearly stipulates the time frame of two months to conclude the enquiry. It is expected that one Member Committee shall conclude the enquiry within the stipulated period and submit the report to the Chancellor.

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13. With the aforesaid, the writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

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