

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6947 of 2022

1. Ghanshyam Mahto Son of Bhikhari Mahto, resident of Ward No. 9, Mohanpur, Bariarpur, P.S. Sitamarhi, District- Sitamarhi.
2. Pashupati Narain Lal Karna, Son of Abhinandan Lal, resident of Village - Sahasraam, Sundarpur Tola, Ward No.6, P.O. Barahi, P.S. Parihar, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Additional Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Higher Education, Government of Bihar, Patna.
5. B.R.A. Bihar University, Muzaffarpur, Through the Registrar.
6. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
7. The Registrar, B.R.A. Bihar University, Muzaffarpur.
8. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.
9. Sri Awanindra Kumar Mishra, Son of Yogendra Mishra, Presently the Secretary of Jawahar Lal Nehru Memorial College, Nawahi, Sursand, District - Sitamarhi.
10. Sri Bimlesh Jha Presently the Principal of Jawahar Lal Nehru Memorial College, Nawahi, Sursand, District- Sitamarhi.
11. Navin Kumar, S/o Awanindar Kumar, Village and P.O. Hauman Nagar, P.S. Sursand, District- Sitamarhi.
12. Anju Mishra, D/o Awanindra Kumar, Village Bangaon, P.O. and P.S. Baajpatti, District- Sitamarhi.
13. Sanjeev Mishra, S/o Arun Mishra, Village and P.O. Hanuman Nagar, P.S. Sursand, District- Sitamarhi.
14. Jitendra Jha, S/o Late Kameshwar Jha, Village and P.O.- Shrikhandi Bhatta, P.S. Sursand, District- Sitamarhi.
15. Ashok Jha, S/o Surendra Nath Jha, Village and P.O. Koriyahi, P.S. Sursand, District- Sitamarhi.
16. Vinay Kumar Jha, S/o Tej Narayan Jha, Village Adkhani, P.O. Sutihara, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nagendra Rai, Adv.
Mr. Navin Nikunj, Adv.



For the Respondent/s : Mr. Koshalendra Rai, Adv.
Mrs. Smt. Shilpa Singh, GA-12
Mr. Ram Vinay Prasad Singh, AC to GA-12
For the Resp. No. 5 to 8 : Mr. S.S. Sundaram, Adv.
Mr. Pratik Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-01-2026

Heard the parties.

2. At the outset, learned Advocate for the petitioner submits at the Bar that during the pendency of the present writ petition the respondent no. 9, Awanindra Kumar Mishra, died on 12.01.2024 . His heirs are already on record as respondent nos. 11 and 12. Further, the petitioner also came to know that respondent no. 14 has already died prior to the filing of the writ petition on 24.08.2019, however, in absence of proper communication, the respondent no. 14 has been made party respondent due to inadvertence. In the aforesaid premise, for deletion of the name of respondent nos. 9 and 14, an interlocutory application bearing I.A. No. 1 of 2025 is filed.

3. In view of the submissions advanced by learned Advocate for the petitioner Interlocutory Application No. 1 of 2025 stands allowed. The office is directed to delete the name of respondent nos. 9 and 14.

4. The petitioners before this Court are claiming to be the Donor members of Jawaharlal Nehru Memorial College, Nawahi, Sursand, which was established in the year 1982. It is



submitted that the Governing Body in its proceeding held in 2013 elected respondent no. 9 as Secretary of the Managing Committee of the College and further vide letter no. B/1590 dated 07.09.2013 issued by the respondent no. 7, (the Registrar, Bhim Rao Ambedkar Bihar University) the respondent no. 9 was declared as Donor member of the Governing Body of the College. The challenge in the present writ petition is made to the extent whereby the respondent no. 9 was made Secretary of the Managing Committee and further declared as donor member of the Governing Body of the College.

5. It is further contended that the Governing Body has also declared the respondent no. 11 to 16 as Donor member of the Governing Body of the College in question in a most arbitrary manner without considering the claim of the petitioners, which also requires to be set aside. It is next contended that for redressal of the grievance, the petitioners have also approached before the (Bihar Anudanit Shikshan Sansthan Pradhikar) Bihar Aided Educational Institute Authority by filing an application bearing no. 149 of 2019. The afore-noted authority vide its order dated 05.03.2020 has been pleased to direct the Appellants, Petitioners herein to raise the grievance before the Registrar of the respondent University while



forming/constituting the Governing Body of the College in question.

6. Learned Advocate for the University submits that the order had already been passed by the authority long back in the year 2020 and the petitioners have approached this Court belatedly after five years. Moreover in pursuant to the order passed by the afore-noted authority, the petitioners have also approached the Registrar of the concerned University, however, yet no decision has been taken with regard to their claim of the donor of the Governing Body of the College in question. It is also submitted that since the period of the Governing Body is only for three years and that period has already been expired, a fresh cause of action has arisen in favour of the petitioner.

7. From the pleading it is evident that now respondent no. 9 is no more alive, who was holding the post of Secretary and Donor of the Governing Body of the College in question, hence a fresh nomination of Donor or Secretary is required to be done. Thus, it is for the authorities of the University who shall look into the claim of the petitioners while nominating or electing the Secretary/Donor of the concerned Governing Body of the College.

8. In view of the aforesaid facts and having considered



the submissions advanced by learned Advocate for the respective parties as also taking note of the order passed by the Bihar Aided Educational Institute Authority, this Court deems it fit and proper to direct the Registrar of the University to look into the grievance of the petitioners as also the legality of the constitution of the Governing Body and take appropriate decision.

9. In case the petitioners approach before the Registrar of the University preferably within a period of four weeks' from today by filing a fresh representation, the same shall be considered and disposed off within a further period of eight weeks'.

10. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

| | |
|-------------------|------------|
| AFR/NAFR | NAFR |
| CAV DATE | NA |
| Uploading Date | 02.02.2026 |
| Transmission Date | NA |

