

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9241 of 2026

Navin Kumar @ Naveen Kumar, S/o Late Abanindra Kumar Mishra, Resident
at + P.O.- Hanuman Nagar, P.S.- Bhitha More, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Govt. of Bihar, Patna.
2. The Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Education Department, Govt. of Bihar, Patna.
4. The Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur.
5. The Registrar, B.R.A. Bihar University, Muzaffarpur.
6. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.
7. The Prof-Incharge, Jawahar Lal Nehru Memorial College, Nawahi Sursand, District Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Pranoy Kumar, AC to GP- 12
For the BRABU	:	Mr. Siddhartha Prasad, Advocates Mr. Sunit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 20-07-2026

This Court has heard Mr. P. K. Shahi, learned Senior Advocate, duly assisted by Mr. Shashi Bhushan Singh, learned Advocate for the petitioner; Mr. Siddhartha Prasad with Mr. Sumit Kumar, learned Advocate for B.R.A. Bihar University as well as Mr. Pranay Kumar, learned Advocate for the State.

2. The petitioner claiming to be an elected Secretary of the Governing Body of Jawahar Lal Nehru Memorial



College, Nawahi Sursand, Sitamarhi, constituted under Section 60 of the Bihar Universities Act, 1976, read with Statute 32, has approached this Court being aggrieved with the reasoned order, as contained in Memo No. B/2436 dated 22.05.2026 issued by the Vice-chancellor of the B.R.A. Bihar University (in short 'University') under the signature of the Registrar of the University whereby and whereunder the Governing Body of the College has been dissolved. Challenge has also been made to an order, as contained in Memo No. B/2437 dated 22.05.2026 issued by the Registrar of the University by which Ad-hoc Committee has been constituted for the College, in question. The petitioner also sought issuance of a writ of mandamus directing the respondent authorities to restore the Governing Body constituted vide Memo No. B/998 dated 27.05.2023.

3. It would also be worth mentioning here that during the pendency of the writ petition, the newly constituted Ad-hoc Committee submitted its report, regarding the action taken by the erstwhile Governing Body under letter dated 23.06.2026 and further based upon such report the University vide Memo No. B/2699 dated 25.06.2026 constituted an enquiry committee to submit further reports on different points, the same has also been challenged by filing an interlocutory application,



being I.A. No. 1 of 2026.

4. The College, in question, namely, Jawahar Lal Nehru Memorial College, Nawahi Sursand, Sitamarhi (in short 'College') was established on 10.07.1965 and in course of time, the college was given permanent affiliation up to Honours level in the year 2009. In terms with Section 60 of the Bihar Universities Act, 1976 (in short 'Act, 1976') which mandates for constitution of a Governing Body for Management and Administration of each affiliated College, other than a college owned and maintained by the State Government or College establishment by a Minority Committee or an affiliated Technical or Medical College, as also read with Statute 32, a Governing Body was duly constituted for smooth functioning of the College, in question; and the petitioner, who was inducted as donor member further elected as Secretary of the Governing Body by the approval of the Vice-chancellor, as contained in Annexure-P/1.

5. For the first time, the dispute has arisen in the meeting of the Governing body dated 26.10.2024 wherein the Professor incharge, namely, Dr. Om Prakash Singh, who was the senior most teacher of the College and was to retire on 31.10.2024, his period was extended in the light of on going



NAAC Accreditation Process. The information in this regard has been given to the Registrar of the University vide letter no. 44/24 dated 28.10.2024 seeking approval for extension of service of incharge Principal of the College.

6. Pending approval for extension of the services of Dr. Om Prakash Singh as Professor-cum-incharge Principal of the College, communication has also been made by the University with an instruction to distribute the grant among the teaching and non-teaching employees of the College for the academic Session 2014-2017, which was due since long, vide Memo no. B/48 dated 07.01.2025. Accordingly, the same was done after completion of all the formalities and on release of the fund by the University. Upon distribution of fund, the utilization certificate was sent to the University on 15.01.2026, in the meanwhile, the University issued notice/show-cause notice to provide specific details of distribution of grant, besides the particulars of seniority and appointment of working teacher. The petitioner being the Secretary of the Governing Body submitted its reply on 16.12.2025 mentioning therein, inter alia, that information regarding extension of service of Dr. Om Prakash Singh had already been informed on 28.10.2024 and; further made it clear that the College is bound to follow the direction of



the University. On receipt of the show-cause notice referred hereinabove, the Professor Incharge-cum-Principal Dr. Om Prakash Singh tendered his resignation on 20.12.2025, which was duly accepted by the Governing Body in its meeting held on 04.01.2026. In the meantime, the petitioner was again served with another show-cause notice vide letter no. B/1 dated 02.01.2026, which was duly replied as to under what circumstances, the Professor-cum-Principal incharge was allowed to continue, besides all the details regarding distribution of the grant along with utilization certificate was also furnished. The Governing Body further requested for approval of Mr. Amrendra Kumar as Incharge Principal by virtue of he being the senior most teacher.

7. The aforesaid response of the petitioner did not satisfy the University and one another notice was issued upon the petitioner on 10.01.2026, which was duly replied on 15.01.2026 annexing the copy of the utilization certificate along with the report of Chartered Accountant and other documents to satisfy the query made by the University. Dissatisfied with the response of the petitioner, the Vice-chancellor of the University vide its order, as contained in Memo No. B/2436 dated 22.05.2026 issued under the signature of Registrar of the



University has dissolved the Governing Body with immediate effect and consequently all powers, authorities and financial control of the said Governing Body came to be ceased. In pursuant to the impugned order, a consequential order contained in Memo No.B/2437 dated 22.05.2026 was also issued and an Ad-hoc committee was also constituted to manage the academic administration and financial affairs of the College until further orders or until constitution of a regular Governing Body in accordance with law, besides a direction to constitute an enquiry committee for examining the operation of accounts, utilization of grants as well as financial decision undertaken during the illegally extended tenure of the retired Principal.

8. Mr. P. K. Shahi, learned Senior Advocate while assailing the impugned reasoned order of the Vice-chancellor advertent to the aforesaid facts vehemently contended that the erstwhile Governing Body of the College has been dissolved by an authority, which has no sanction under the law. It is only the Syndicate empowered under Clause 28 of the Statute 32 of the Act, which may on its own motion or at the instance of the Vice-chancellor dissolve a Governing Body and order for its reconstitution; provided, the Syndicate has given a reasonable opportunity to the Governing Body to show-cause against such



action. Admittedly, at no point in time, any show-cause notice or reasonable opportunity has been given by the Syndicate and the order of dissolution has been passed by the Vice-chancellor, which is wholly illegal and against the teeth of all the aforementioned prescriptions provided under Clause 28 of Statute 32.

9. Admitting the position of law, especially in terms of Section 67 of the Act, 1976, the College or the University shall in no case extend the period of service of any of the teaching or non-teaching employees after he attains the age of superannuation. Nonetheless, even if such decision was taken, it was a mistake by the Governing Body keeping in mind only to complete the NAAC Accreditation process, which was started in the year 2022, while Dr. Om Prakash Singh was working as a Professor Incharge. Moreover, such decision of the Governing Body was duly communicated to the Registrar of the University on 28.10.2024 itself, but no such direction has been given nor the request for extension of the continuation of Professor Incharge/ Principal was turned down. For the first time, on 10.12.2025, the petitioner was served with a show-cause notice seeking explanation with regard to continuation of the Incharge Principal, who had already attained the age of superannuation, besides the distribution of grant, which was duly responded and,



in the meanwhile, the Professor Incharge tendered his resignation on 20.12.2025. Once the Professor Incharge, who was unauthorizedly continuing against the mandate of law, has already tendered his resignation and the petitioner has already submitted the necessary documents relating to distribution of grant amongst the teaching and non-teaching employees, there was no reason or occasion for the Vice-chancellor to pass the impugned order on 22.05.2026.

10. Once the Vice-chancellor has no authority under the law to dissolve the Governing Body of the College, in question, any action taken by him for constitution of Ad-hoc Governing Body does not arise. Moreover, the constitution of the Ad-hoc Governing Body is also in the teeth of the mandate of law, since neither Section 60 nor Statute 32 empowered the University to nominate the two University representatives; besides it is only the Syndicate, who has been empowered under Section 4 of Section 60 to constitute an Ad-hoc committee for management of the College so long as the Governing Body is not yet constituted in accordance with the provisions contained in Sub-Section 1 of Section 60 of the Act. Reliance has been placed on a Division Bench decision of this Court in the case of ***Vijay Kumar Vs. The State of Bihar & Ors.*** (L.P.A. No. 977 of



2024) wherein the learned Division Bench by its judgment/order dated 29.10.2024 highlighting the provisions of Clause 28 of Statute 32 clearly observed that the Vice Chancellor does not have the competence or power to suspend or dissolve a properly constituted Governing Body. If any particular act is required to be done in a particular manner, it has to be done in that manner or not at all; once the Statute clearly stipulates the provisions to be followed by an exclusive body, the same is to be done by that body only.

11. Referring to the said decision Mr. Shahi, learned Senior Advocate further contended that the learned Division Bench further clarified that any decision of the Vice-chancellor to dissolve the Governing Body in anticipation of approval from the Syndicate and such a ratification of the decision taken by the Vice Chancellor does not emanate from the Statute, hence in all the circumstances, the dissolution should be by the Syndicate. Emphasizing the principle of ratification, he further placed reliance on a decision of the Hon'ble Supreme Court in the case of ***Marathwada University Vs. Seshrao Balwant Rao Chavan : (1989) 3 SCC 132*** where the Hon'ble Supreme Court observed that the statutory authority cannot travel beyond the power conferred and any action without power has no legal validity. It



is ab initio void and cannot be ratified.

12. Per contra, refuting the aforementioned contention of the learned Senior Advocate for the petitioner, Mr. Siddharth Prasad, learned Advocate for the University submitted with all his vehemence that any College, duly affiliated with a University is bound to follow the provisions of the Act and the Statute made therein. The College or its Governing Body must remember that the relation of the affiliated College with the University shall be governed by the Statute to be made in that behalf and such Statute shall be provided in particular for the exercise by the University in respect of laying down minimum educational qualification and to approve the action taken by the Governing Body in regard to the creation of post of teachers, appointment, dismissal, discharge etc., besides to coordinate and regulate the facilities provided under the expenditure incurred by such Colleges as well as grant of leave and other benefits.

13. The entire action of the petitioner, including allowing one, Dr. Om Prakash Singh, as an Incharge Principal, despite he attained the age of superannuation is not only in clear violation of Section 67 of the Act, but in utter disregard to the authority of the University rendering the entire action of the Governing Body invalid, besides its continuation was de hors the



law. Dr. Om Prakash Singh did not merely perform the routine duties to the limited purpose of facilitating NACC Accreditation process, rather he exercised the substantial administrative, financial and policy making power affecting the constitution and functioning of the Governing Body; In his capacity as ex-officio member and Principal Incharge he not only participated in the decision to hold the election of College representative, also exercised various other powers, which justified the University intervention and independent scrutiny of the action taken during such period.

14. The subsequent resignation tendered by Dr. Om Prakash Singh cannot validate or legitimize his continuation in the office, which was void, ab initio. The subsequent submission of utilization certificates, despite repeated direction of the University clearly reveals high-handedness on the part of the petitioner and threat to the authority of the University. The petitioner was served with repeated show-cause notice, but instead of taking any action in terms with the Act and the Statute, he tried to save his illegal action with irresponsible and lame excuse and pendency of NAAC Accreditation process and subsequently when the University has undertaken the action against the Governing Body, the resignation of Dr. Om Prakash



Singh was accepted in the meeting of the Governing Body on 04.01.2026.

15. In fact, upon consideration of the available records, as also the surrounding circumstances, it warranted immediate exercise of emergency power, as prescribed under Section 10(12) of the Act, 1976, which led to passing the reasoned order and further direction to preserve the records and ensure effective and impartial enquiry.

16. Taking to the aforementioned prescription, Mr. Prasad, thus submitted that the action of the Vice-chancellor concerning dissolution of the Governing Body as well as Constitution of the Ad-hoc Committee was specifically placed before the Syndicate in its meeting held on 02.07.2026. The proceedings expressly recorded that the Syndicate considered the action taken by the Vice-chancellor concerning JLNMC College and after detailed discussion resolved to approve the same.

17. Thus, the procedure contemplated under Section 10(12) of the Act, 1976 stands materially attracted to the facts of the present case, which necessitated the Vice-chancellor to take an immediate protective measure, failing which the same may affect the lawful administration, public grant funds and



preservation of records. He further contended that the University has initiated an enquiry to examine the apparent violation of express provision of the Act, such administrative action ought not to be stalled at intermediate stage particularly when the enquiry is still in progress. Moreover, the Vice-chancellor cannot be expected to remain silent spectator when a patent violation of the provision of the Act or Statute is brought to his notice.

18. So far the action of the respondent University, especially the Vice-chancellor regarding constitution of the Ad-hoc Committee is concerned, the learned Division Bench in the case of *Sanjay Kumar Vs. The State of Bihar & Ors. (L.P.A. No.534 of 2023)* vide its judgment/order dated 23.02.2024 clearly ruled that Statute 32(2) was one which was brought out on 12.02.1982, while the provision regarding Ad-hoc Committee to be constituted by the Vice-Chancellor in sub-section (4) of Section 60 was brought about by the amending Act 3 of 1990; later to the statutes. Therefore, the provision in the enactment denudes the power of the Syndicate, as per the Statute to constitute an Ad-hoc Committee and confers it on the Vice-Chancellor.

19. This Court has given a patient hearing to learned Senior Advocate/Advocates for the respective parties



and also perused the materials available on record, besides the relevant prescriptions of the Act/Statute referred hereinabove. There is no ambiguity in law, necessitating any clarification with regard to constitution and dissolution of Governing Body of an Affiliated College. Section 60 of the Act, 1976 clearly stipulates that there shall be a Governing Body for the management and administration of each affiliated College, other than the College prescribed therein; The Governing Body shall be consisted of seven members as prescribed therein. Further Statute 32 of the Act deals with Management and Constitution of the Governing Body, besides the terms of the membership and its functions. Clause 28 of the Statute 32 deals with the suspension or dissolution of the Governing Body or cancellation of grant in aid, which are quoted hereinbelow:

“28. (1) The Syndicate may on its own motion or at the instance of the Vice-Chancellor (i) suspend the Governing Body for a specific period or (ii) dissolve a Governing Body and order its re-constitution, or (iii) cancel grant-in-aid to the college concerned, if in the opinion of the Syndicate any such action is necessary to be taken for any one or more of the following reasons: -

(a) that the college has failed to comply with the directions issued by the Syndicate under



the laws of the University within a specific time,

(b) That the college has failed to observe the provisions of the laws of the University,

(c) That the accounts of the grants made to the college have been improperly utilised, and

(d) That the affairs of the college in the opinion of the Syndicate have been grossly mismanaged:

Provided however, that the before ordering suspension; or dissolution of the Governing Body or before passing any other order indicated above the Syndicate shall give a reasonable opportunity to the Governing Body to show cause against such action”

20. Bare reading of the same, it is quite evident and imperative that it is the Syndicate, which may on its own motion or at the instance of the Vice-chancellor dissolve a Governing Body on account of the reasons mentioned therein, provided before the order of dissolution of the Governing body, the Syndicate shall give a reasonable opportunity to the Governing Body to show-cause against such action.

21. Since the mandate of the above noted prescription of law is very much clear that it is the Syndicate, who shall take a decision with regard to the dissolution of the



Governing Body and, in fact, this position has not even been disputed by any of the party, it need not require further emphasis that the order of dissolution of the Governing Body is to be taken in terms with Clause 28 of Statute 32 of the Act.

22. Now the question for consideration before this Court is as to whether the facts and circumstances of this case warrants immediate exercise of the emergency power assigned to the Vice-chancellor under Section 10(12) of the Act, 1976. Undisputedly the Vice-chancellor, inter alia, shall exercise such other powers and perform other duties, as are imposed on him, as the Statute, Regulation or Rules; apart from he shall have over all responsibility in maintaining good academic standard and prompt efficiency and good order of the University. He shall have also the power to visit and inspect the Colleges and shall have a right of making an enquiry or causing an enquiry to be made in respect of any matter connected with such Colleges and Institutions.

23. Bare reading of Section 10(12) of the Act, the Vice-chancellor shall also have the power that if at any time when the Syndicate or Academic Council is not in Session and he is satisfied that an emergency has arisen requiring to take an immediate action involving the exercise of any power vested in



the Syndicate or the Academic Council by or under this Act, he shall take such action as he deems fit.

24. In the case at hand, this Court has noticed that for the first time the dispute has arisen in the meeting of the Governing Body dated 26.10.2024, when a decision has been taken for extension of services of Dr. Om Prakash Singh as incharge Principal of the College beyond his service period. The aforesaid decision taken in its meeting dated 26.10.2024 has been communicated on 28.10.2024 itself. Subsequent thereto various correspondences with the University, College and the members of the Governing Body took place and lastly the University issued show-cause notice on 10.12.2025, 15.12.2025 and 02.01.2026 regarding illegality in extending the services of incharge principal, besides certain alleged infirmities in the manner and distribution of grant to its teaching and non-teaching employees, which show-cause notices were duly replied by the petitioner.

25. Thus in the opinion of this Court, the facts and circumstances were not of such of emergent nature, which requires invocation of Section 10(12) of the Act, 1976. Undoubtedly, the power is vested with the Vice-chancellor to deal with the emergent circumstances, but in the present case,



the exercise of such power appears to be wholly unwarranted.

26. Once, this Court comes to such conclusion, now the order of validity of the dissolution is to be decided in the light of the mandatory provisions as provided under Clause 28 of Statute 32. It is the admitted position that the decision has been taken by the Vice-chancellor without referring the matter before the Syndicate for getting its opinion and decision, thus this Court has no hesitation to hold the reasoned order passed by the Vice-chancellor, as contained in Memo No. B/2436 dated 22.05.2026 is illegal and wholly without jurisdiction, contrary to the mandate of Clause 28 of Statute 32, besides the pronouncement of the learned Division Bench of this Court in the case of *Vijay Kumar* (supra).

27. So far the plea of subsequent ratification or the approval of the order of the Vice-chancellor is concerned, it is well settled that the statutory authority cannot travel beyond the power conferred and any action without power has no legal validity; and thus if an act is illegal and wholly without jurisdiction, the same cannot be ratified. The aforesaid proposition has been reinforced and emphasized in the case of *Marathwada University* (supra) where the order of dismissal passed by the Vice-chancellor was later on ratified by the



Executive Council of the University and the Hon'ble Supreme Court highlighting the aforesaid principle held that the action taken by the Vice-chancellor and the ratification by the Executive Council is unsustainable.

28. In view of the aforesaid facts, circumstances and the position obtaining in law, this Court is of the conscious opinion that the impugned order of dissolution of the Governing Body taken by the Vice-chancellor in its reasoned order dated 22.05.2026 is wholly illegal and without jurisdiction, thus hereby set aside. Once the order of dissolution of the Governing Body does not survive, the consequential order for constitution of the Ad-hoc Committee would also be termed as illegal. However, the Court would not enter into the other aspects of the matter and the pleas taken by the learned Advocates regarding constitution and continuity of the Ad-hoc Committee on any other ground, as the same is not required to be dealt with at present.

29. This Court, however, in the facts of the case, further makes it clear that the order of this Court would not come in the way of the Vice-chancellor/University to deliberate upon and refer the matter to the Syndicate to take appropriate action/decision in the matter of continuation/dissolution of the



Governing Body after following the mandate of Clause 28 of Statute 32 of the Act with the clear observance of the principles of natural justice, if the circumstances necessitate the same.

30. The writ petition stands allowed to the extent indicated hereinabove.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

