

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3141 of 2024

Dr. Shujaat Ali Khan, age – 57 years, male, S/o-Late Sadarat Hussain Khan, Resident of - Sarim House, Road No-17 New Karim Ganj, P.S- Civil Lines, District-Gaya, Bihar., Presently working as Professor In charge of Mirza Ghalib College, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, through Additional Chief Secretary, Education, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Education, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Magadh University, Bodh Gaya through its Registrar.
5. The Vice-Chancellor, Magadh University, Bodh Gaya, Gaya.
6. The Registrar, Magadh University, Bodh Gaya, Gaya.
7. The Secretary of the Governing Body, Mirza Ghalib College, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Government Advocate 9 Mr. Manoj Kumar Singh, AC to GA-9 Mr. Nalin Vilochan Tiwary, AC to GA-9
For the Resp. No.7	:	Mr. Amit Shrivastav, Sr. Advocate Mr. Girish Pandey, Advocate
For the Magadh University:		Mr. Sriram Krishna, Advocate Mr. Prabhat Kumar Singh, Advocate Mr. Shashank Shekhar Kunwar, Advocate
For the Intervener	:	Mr. Bishketu Sharan Pandey, Advocate Mr. Abhishek Kumar, Advocate Mr. Sahil Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 20-09-2024

Heard learned counsel for the parties.

2. The petitioner has filed this writ petition
challenging letter dated 20.01.2024, written to the Secretary,



Mirza Ghalib College, Gaya by the Registrar, Magadh University, Bodhgaya, vide Ref. No. Legal/05/2024, whereby the Secretary, Mirza Ghalib College, Gaya has been directed to restrain the petitioner from working as Professor-in-charge with immediate effect and no responsible assignment be given to him till the outcome of the inquiry report.

3. Till the aforesaid impugned letter was issued by the Registrar, Magadh University, Bodhgaya, the petitioner was working as Professor-in-charge, Mirza Ghalib College, Gaya functioning as an administrative head of the college in the absence of the Principal of the said college.

4. It has been submitted at the bar that the Mirza Ghalib College, Gaya has been without a regular Principal since 2017. The said fact has been also endorsed by the learned senior counsel appearing for the Mirza Ghalib College, Gaya, who submits that the said fact has also been stated by the College in a counter affidavit filed yesterday which, however, is not on record.

5. The Mirza Ghalib College, Gaya is stated to be a registered society under the Societies Registration Act,



1860 and functioning within the bylaws framed by the Society. The college is also stated to be a minority college, affiliated to Magadh University, Gaya and thereby it is governed by the Bihar State Universities Act, 1976, various statutes made thereunder as well as the guidelines issued by the University Grants Commission.

6. Under the Bihar State Universities Act, 1976, the 'teacher' has been defined under Section 2(v) to include Principal of a college. Section 57(A)(5), *inter alia*, provides that appointment of a teacher in the minority colleges shall be made by the governing body of those colleges with the approval of the Selection Committee constituted by the University. Section 57(B) of the Act provides for constitution of Selection Committee comprising of the members mentioned therein.

7. Clause 2 of Statute 7, which has been approved by the Chancellor, vide letter No. 1223 G.S.(1) dated 24.04.1978, provides for the pay scale of the Principal of a college as well as the minimum qualification required for appointment of the Principal of a college.

8. The Bihar State Universities Act, 1976 along



with the statutes approved by the Chancellor, thus, provides for a mode and manner of appointment of the Principal of a College.

9. When there is a law in place for appointment of a Principal of the college as an administrative head, the college cannot be allowed to function through Professor-in-charge to act as an administrative head of the college for such a long period of time, which, in the instant case, is stated to be continuing since 2017.

10. Under the circumstances, keeping in view the mandate of the Bihar State Universities Act, 1976 and the statutes approved by the Chancellor for appointment of the Principal of a college, this writ petition is disposed off with a direction to the respondents to take steps for appointment of a regular Principal of Mirza Ghalib College, Gaya in accordance with law immediately, which shall be concluded within two months from today.

11. In the event, the respondent authorities fail to appoint a regular Principal of Mirza Ghalib College, Gaya within the period stipulated hereinabove, the petitioner, who was appointed as a Professor-in-charge on 05.03.2023 to act



as Administrative-in-charge of the college, shall stand
revived.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.09.2024
Transmission Date	N/A

