

h7

ITEM NO.10

COURT NO.3

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12409/2013

(From the judgement and order dated 07/12/2012 in CWJC No.15123/2011 of The HIGH COURT OF PATNA)

STATE OF BIHAR & ORS.

Petitioner(s)

VERSUS

RAM TAWAKYA SINGH & ORS.

Respondent(s)

(With appln(s) for intervention,stay,deletion of the name of respondent,vacating stay,vacating interim order,impleadment and prayer for interim relief and office report)

SLP(C) NO. 8066 of 2013

(With appln(s) for permission to place additional documents on record and permission to file additional documents and bringing on record the additional facts and directions and with prayer for interim relief and office report)

WITH W.P(C) NO. 158 of 2013

(With appln(s) for directions and office report)

Date: 16/04/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s)
in SLP 12409/2013
and for respondents
in other petitions

Mr. Harish N. Salve, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Mr. Rudreshwar Singh, Adv.
Mr. Abhinav Mukerji, Adv.

For petitioner(s)
in SLP 8066/13 and
WP 158/2013 and for
respondent in SLP
12409/2013

Mr. Prashant Bhushan, Adv.
Mr. Kumar Ranjan, Adv.
Mr. Pranav Sachdeva, Adv.
Mr. Gopal Jha, Adv.

For Respondent(s)

Mr. Vikas Singh, Sr. Adv.
Mr. Sanjay Kapur, Adv.
Ms. Priyanka Das, Adv.
Mr. Anmol Chandan, Adv.

Mr. Anil B. Divan, Sr. Adv.
Mr. Amit Pawan, Adv.

Mr. Irshad Ahmad, Adv.
Mr. U.U. Lalit, Sr. Adv.
Ms. Neela Gokhale, Adv.
Ms. Kamakshi S. Mehlwal, Adv.

Mr. Manan Kumar Misra, Sr. Adv.
Mr. Rajiv Kumar, Adv.
Mr. Hareesh Ahmad Minkaaj, Adv.

Mr. Md. Shahid Anwar, Adv.
Mr. Sudhanshu Saran, Adv.
Mr. Ajay Amrit Raj, Adv.

In IA No.6 Mr. Altaf Ahmad, Sr. Adv.
 Mr. Neeraj Shekhar, Adv.
 Mr. Ashutosh Thakur, Adv.

In IA No.7 Mr. Pallav Shishodia, Sr. Adv.
 Mr. Neeraj Shekhar, Adv.
 Mr. Ashutosh Thakur, Adv.

In IA No.9 Mr. S. Gurukrishna Kumar, Sr. Adv.
 Mr. Neeraj Shekhar, Adv.
 Mr. Rohit K. Singh, Adv.

For RR No.19 Mr. Pallav Shishodia, Sr. Adv.
 Mr. P.K. Mishra, Adv.
 Mr. B.K. Pandey, Adv.
 Mr. Nirmal Singh, Adv.
 Mr. T.G.N.Nair, AOR

For RR Nos.8 and 9 Mr. Sunil Kumar, Sr. Adv.
in WP 158/2013 Mr. Rohit Kumar Singh, Adv.

 Mr. Shantanu Sagar, Adv.

 Mr. Shishir Pinaki, Adv.

UPON hearing counsel the Court made the following
O R D E R

The sealed cover received from the Special Secretary to Governor-cum-Chancellor, Bihar was opened in the Court and the file contained therein was perused. The Court Master shall re-seal the file which shall be kept in the custody of the Registrar (Judicial) of this Court.

I.A. Nos.4, 7, 8 and 13 are allowed in terms of the prayer made and the various Vice-Chancellors and Pro Vice-Chancellors named therein are allowed to be impleaded as parties to Special Leave Petition(Civil) No.12409 of 2013. The cause title be amended accordingly.

Notice be issued to the impleaded respondents for 23.04.2013. The same be given dasti to the petitioners who shall ensure that all the impleaded parties-respondents are served before the next date of hearing.

Shri Harish Salve, learned senior counsel appearing for the petitioners in Special Leave Petition (Civil) No.12409 of 2013 submitted that order dated 18.03.2013 may be suitably modified so as to enable the Chancellor to appoint senior most from amongst the Deans from various Universities to discharge the function of Vice-Chancellors/Pro Vice-Chancellors. Shri Ranjit Kumar, learned senior counsel also appearing for the State of Bihar submitted that under Section 13 of the Bihar State Universities Act, 1976 Chancellor is empowered to make appropriate temporary arrangement for effective functioning of the universities.

Having considered the submissions of Shri Salve and Shri Ranjit Kumar, we direct that the Chancellor may, wherever he considers necessary, appoint senior most from amongst the Deans or Members of the Faculty for discharging of day to day function of the Vice-Chancellor/Pro Vice-Chancellor. It is also made clear that absence of the regular Vice-Chancellor or Pro Vice-Chancellor shall not impede examinations required to be conducted by the Universities.

Shri Anil Divan, learned senior counsel appearing for respondent no.21 placed before the Court a comparative chart of the UGC Regulations and the Bihar Universities (Amendment) Bill, 2011 and pointed out that the amendments proposed by the State Government were totally inconsistent with the Regulations framed by the UGC.

Shri Vikas Singh, learned senior counsel appearing for the Chancellor submitted that a decision has been taken by the State Government to promulgate Ordinance and make appropriate amendments in consonance with the UGC Regulations for the purpose of constituting of

Search Committee and selection of the candidates for appointment of Vice-Chancellors and Pro Vice-Chancellors.

Put up on 23.04.2013.

Interim order passed on 18.03.2013 and the directions contained in this order shall apply to all the Universities in the State and the private respondents.

| (Parveen Kr.Chawla)

| Court Master

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| | (Phoolan Wati Arora)

| | Court Master

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