

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5124 of 2014

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1. Md. Mazharul Haque Son Of Late Md. Imadul Haque Resident Of Mohalla- Habibpur, Police Station- Habibpur, Post Office- Habibpur, District- Bhagalpur
 2. Md. Jawedur Rahman Khan, Son Of Late Khalilur Rahman, Resident Of Mohalla- Daud Chak, Police Station- Habibpur, Post Office- Habibpur, District- Bhagalpur
 3. Md. Altamash Alam Son Of Md. Qamruddin, Resident Of Mohalla- Habibpur, Police Station- Habibpur, Post Office- Habibpur, District- Bhagalpur
 4. Md. Sarfraz Alam Son Of Md. Siddique Resident Of Village- Khiribandh, Post Office- Khiribandh, Police Station- Jagdishpur, District- Bhagalpur
 5. Md. Inamul Hoda, Son Of Md. Noorul Hoda, Resident Of Mohalla- Habibpur, Police Station- Habibpur, Post Office- Habibpur, District- Bhagalpur
 6. Md. Rustam Son Of Md. Shamshad, Resident Of Mohalla- Habibpur, Police Station- Habibpur, Post Office- Habibpur, District- Bhagalpur
 7. Md. Mushtaque Ahmad Son Of Md. Habib Ahmad Resident Of Mohalla- Habibpur, Police Station- Habibpur, Post Office- Habibpur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Education, Government Of Bihar, Patna
2. The Director, Higher Education, Government Of Bihar, Patna
3. The Tilka Manjhi, Bhagalpur University Through Its Vice-Chancellor
4. The Tilka Manjhi, Bhagalpur University Through Its Registrar
5. The Registrar, Tilka Manjhi, Bhagalpur University
6. The Divisional Commissioner, Bhagalpur
7. The District Magistrate, Bhagalpur
8. The District Education Officer, Bhagalpur
9. The Muslim Education Committee Through Its General Secretary, Farooque Ali, Son Of Late Usman Ali, Resident Of Mohalla- Sarai, Police Station- Kotwali, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harendra Prasad Singh, Sr. Advocate
For the Respondent/s	:	Mr. Sanjayu Kumar Ojha, AC to GP-18
For the University	:	Mr. Rajendra Kumar Giri

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-11-2015

23.11.2015

Heard learned counsel for the parties.

The writ application of the petitioner is dismissed on the sole ground that for similar and identical relief a suit in representative capacity has

already been filed before the Court of 2nd Munsif, Bhagalpur. The suit is numbered as Title Suit No. 130 of 2014.

The Court has occasion to have a look at the copy of the plaint, which has been produced by counsel representing the institution. The submission of the senior counsel of the said institution seems to be correct on the perusal of the relief in the writ application as well as the so called amended prayer in I. A. No. 5006 of 2014.

Since the suit is in representative capacity, let these petitioners also come to the aid and assistance of the plaintiff for reaching a valid declaration.

Writ application stands dismissed.

(Ajay Kumar Tripathi, J.)

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