

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8371 of 2011

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1. Teacher's Associations R. K. College, Madhubani through its President Dr. Lav Kush Sharma, Son of Sri Shivilal Singh, Reader in Commerce Discipline, R.K. College, Madhubani.

2. Chandra Mohan Jha, Son of Late Jagdish Jha Reader in Chemistry Discipline R.K. College, Madhubani, P.S. + District + Town-Madhubani.

.... Petitioners

Versus

1. The State Election Commission through its State Election Commissioner, Sone Bhawan, Bailey Road, Patna.

2. District Election Officer (Panchayat) Madhubani-Cum-District Magistrate, Madhubani.

3. Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha

For the Respondent/s : Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 17-12-2015 Heard Sri Satish Chandra Jha, learned counsel for the petitioner, Sri R.S. Pradhan, learned Senior Counsel, who has appeared on behalf of Respondent/ The State Election Commission and Sri Ajay Bihari Sinha, learned counsel, who has appeared on behalf of Respondent/Lalit Narayan Mithila University.

The present writ petition has been filed on behalf of the Teachers Association of R.K.College with a prayer to issue an appropriate writ directing the Respondents not to take the election duty from the teachers of R.K.College, Madhubani and to quash

letters issued by the District Election Officer (Panchayat) Madhubani by which the teachers of R.K.College, Madhubani has been appointed as a Patrolling Magistrate.

Learned counsel for the petitioners submits that in identical situation, the Apex Court in a case of State Bank of India Staff Association Local Head Officer Unit, Patna has restrained the Election Commission from taking election duty from the employees of the Bank. Fact remains that writ petition was filed in the year 2011 after the teachers and staff of the said college were requisitioned for election duty. However, learned counsel for the petitioner tried to persuade the Court to give declaration in anticipation. The Court is of the opinion that in anticipation, in any event, no writ can be issued.

Keeping in view the facts and circumstances, the Court is of the considered opinion that presently the writ petition has become infructuous. The writ petition stands dismissed.

(Rakesh Kumar, J)

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