

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5002 of 2013

In

Civil Writ Jurisdiction Case No. 23241 of 2012

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Amit Saurabh S/O Sri Dinesh Thakur Resident Of Mohalla Chakhiyan
Ganj, Ward No. 6, Lal Bagh, Darbhanga.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Sri Deepak Kumar, S/o not known, the Principal Secretary, Department Of Health Education And Family Welfare, Govt. Of Bihar, Patna.
3. Sri S.N. Guha, S/o not known, the Vice Chancellor Aryabhata Knowledge University, A.N. Sinha Institute Of Social Studies Campus (West) North Gandhi Maidan, Patna.
4. Sri Dinesh Kumar Sinha, S/o not known, the Principal Sri Krishna Medical College, Muzaffarpur.

.... Respondent/Contemnors

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.

For the Respondent/s : Mr. Anisul Haque, AC to AAG-9

For the Resp. No.3 : Mr. Sanjay Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-01-2015

Heard learned counsel for the parties.

The moment this Court would find that there was no specific direction made while disposing of the writ application, there would be also no question of initiating a proceeding of contempt.

Learned counsel for the petitioner has however sought to project that the action taken by the College in depriving the petitioner from appearing in the examination was illegal.

Such submission has been immediately sought to be explained by the learned counsel for the University by stating that

the petitioner was not found eligible.

In the considered opinion of this Court, if there was no specific direction for allowing the petitioner to appear in the examination, at least the remedy of contempt petition will not be appropriate to enforce such claim of the petitioner regarding appearing in the examination. If the petitioner is still aggrieved he may avail any other remedy as may be available to him in law.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

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