

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8677 of 2016

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1. Purnea College Teachers Association, Purnea through its Secretary, Deo Narayan Yadav, Purnea College, Purnea.
 2. Deo Narayan Yadav, Son of Late Anup Lal Yadav, Secretary, Purnea College Teachers Association, Resident of Aerodrome Road, Court Station, Purnea.

... Petitioners

Versus

1. The State Election Commission, thorough its Commissioner, Bihar, Patna.
2. The State Election Commissioner, Bihar, Patna.
3. The Divisional Commissioner, Purnea Division, Purnea.
4. The District Election Officer-Cum District Magistrate, Purnea.
5. The B.N. Mandal University through its Registrar, Laloo Nagar, Madhepura.
6. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
7. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rashid Izhar
For the State	:	Mr. Kaushal Kishor, A.C. to G.P.-23
For the State E.C.	:	Mr. Amit Srivastava, Advocate
		Mr. Girish Pandey
For the B.N.M.U	:	Mr. Manish Dhari Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 17-05-2016 Heard Mr. Rashid Izhar, learned counsel for the petitioner, learned counsel for the State Election Commission and learned counsel appearing on behalf of the University.

While the petitioner no.1 is the teacher's association the petitioner no.2 is the secretary and who question the election duty assigned to the teachers of the respondent University by the Election Authorities for the ongoing Panchayat Election. Mr. Izhar, learned counsel for the petitioner, while admitting that the issue raised by the petitioner stands covered in the

judgment of this Court passed in CWJC No.6611 of 2016 submits that some of the teachers have been subjected to proceedings for not attending the training programme in time but which was on account of a news publication, a copy of which is placed at Annexure-6 and which carries a news item that the District Magistrate, Purnea has exempted the teachers from election duty. He submits that it is in these circumstances that some of the teachers could not attend the training programme but who have been subjected to explanation.

Having heard learned counsel for the parties and while this Court in view of the judgment passed in CWJC No.6611 of 2016 is not persuaded to interfere with the requisition of the service of these petitioner-teachers for election duty but considering the news item present at Annexure-6 to the writ petition, all that this Court for the present would expect is that the District Magistrate, Purnea would consider the explanation advanced by the teacher concerned on his absence from the training in the backdrop of the news item.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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