

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 15025 of 2016

=====

Birendra Kumar Singh Son of Late Ramanugrah Singh resident of village -
Ghosaith, Police Station Piri Bazar and District Lakhisarai

.... Petitioner/s

Versus

1. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
2. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
3. The Principal, International College, Ghosaith, Piri Bazar, District Lakhisarai
4. Mrinjay Kumar Singh Son of Late Ramanugrah Singh resident of village -
Ghosaith, Police Station Piri Bazar and District Lakhisarai

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. A. K. Choudhary Mr. Manish Kumar No-2
For the Respondent No. 3	:	Mr. P. K. Shahi, Sr. Advocate Mr. R. S. Choudhary
For the University	:	Mr. Rajendra Kumar Giri

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-09-2016

Heard learned counsel for the parties.

Dispute is going on between the two siblings, i.e., the petitioner and the private-respondent no. 4, as to who was validly and rightly elected as a donor member, which allows them to be a member of the managing committee of the college. This is not an issue which either a writ court would decide or even the Vice-Chancellor can decide, because none of the forums have the modality and mechanism to go into such disputed facts without taking oral and documentary evidence into account.

The Court is reinforced in its view, especially when the

counsel for the petitioner raises accusatory fingers against the respondent, that there is no valid election held and by manipulating records, the private-respondent declared himself to be the elected donor to represent as one of the members of the managing committee.

Notification issued by the university is based on what was forwarded to the university as to who has been elected as the donor member amongst themselves. If there are disputes with regard to the modality in which such elections had been held, the only forum which can decide such dispute is a civil court of competent jurisdiction, the writ application is not an answer.

Writ application is dismissed with liberty as above.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	28.09.2016
Transmission Date	