

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.281 of 2017

IN

Civil Writ Jurisdiction Case No. 158 of 2017

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1. Hena Kausar daughter of Ehsan Ahmad Khan, resident of Ram Avtar Prasad Khatri Path, Diwan Mohalla-Gurhatta Hammam, P.S.-Khajekala, P.O.-Jhauganj, Patna City, presently working on the post of Assistant in the Office of Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
 2. Asif Imam, son of Akhtar Imam, resident of Ismail Manzil, Nawab Bahadur Road, Beside Allahabad Bank, P.O.-Jhauganj, P.S.-Khajekalan, Patna City-800008, presently working on the post of Accountant in the Office of Maulana Mazharul Haque Arabic Persian University, Patna, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
 3. Khaja Shazad Ahmad, son of Khaja Sajjad Ahmad, resident of Moghalpura, Ali Bagh, Khaja Cottage, P.O.-Jhauganj, P.S.-Khajekalan, Patna City-800008, presently working on the post of Assistant in the office of Maulana Mazharul Haque Arabic & Persian University, Patna-34, Ali Imam Path(Harding Road), Patna-800001
 4. Syed Tahir Hasan Jafri, son of Late Syed Ibne Hasan Jafri, resident of Shahistan Shear Shah Road, P.O.-Gulzarbagh, P.S.-Alamganj, Patna-800007, presently working on the post of Assistant in the office of Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
 5. Md. Ruhullah, son of Md. Hedayatullah, resident at & P.O.-Kadampura, P.S.-Kishanpur, District-Supaul-852131, presently working on the post of Record Incharge/Assistant in the office of Maulana Mazharul Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
 6. Abid Husain, son of Ansar Hussain, resident of Nauzar Katra, City Court, P.O.-Jhauganj, P.S.-Khajekalan, Patna-800008, presently working on the post of Computer Operator in the office of Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
 7. Abdul Ghaffar, son of Abdul Hamid, C/O-Ahsan Villa, resident of Opposite Mushtaque Banker, Peerwise Market, Alamganj, Patna-800007, presently working on the post of Assistant in the office of Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
 8. Md. Ayaz Alam, son of Md. Qaiyum, resident at Mohib Ali Chak, House No. 072, P.O. & P.S.-Habibpur, Bhagalpur-813113, presently working on the post of Assistant in the office of Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
 9. Md. Imteyaz Alam Khan, son of Md. Zafeer Alam Khan, resident at & P.O.-Maj Haur Via Nanpur, District-Sitamarhi-843333, presently working on the post of Assistant in the office of Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Chancellor of the Universities of Bihar, Raj Bhawan, Patna



4. The Vice-Chancellor, Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
5. The Pro Vice-Chancellor, Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
6. The Registrar, Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
7. The Finance Officer, Maulana Mazharul Haque Arabic & Persian University, 34, Ali Imam Path, Near Haj Bhawan, Harding Road, Patna-800001
8. Md. Aslam, son of Anwar Kuraisi, House No. 17, B2/No.-2, P.O.-Kankinara, P.S.-Kankinara, District-24 Pgs(n). West Bengal, At present residing C/o-Shaukat Ali, Burhanagar, P.O.-Islampur, P.S.-Islampur, Nalanda, Bihar-801303
9. Md. Perwej, son of Isa Jahani, resident of Village-Chandni Chowk, P.O.-Brahmpura, P.S.-Kachari, District-Bhagalpur
10. Neelam Kumari, daughter of Sanu Singh, C/o-Vishwanath Singh, resident of Pusp Vihar Colony, in front of Oro Dental, P.O.-Gulzarbagh, P.S.-Alamganj, District-Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah

For the Respondent/s : Mr. Ashutosh Ranjan Pandey-AAG 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-08-2017

This review application has been filed and the grievance made is by the original private respondent Nos. 7 to 9. It is stated that without hearing them and behind their back, certain orders have been passed on 04.07.2017 in C.W.J.C. No. 158 of 2017. Action is being taken in spite of the fact that the resolution of the Syndicate and the Senate has been annulled by the Vice Chancellor and without taking note of all these factors, it is stated that notices have been issued to the applicants herein in the garb of implementing the orders passed on 04.07.2017 by this Court.



We may clarify that while disposing the Public Interest Litigation on 04.07.2017, we have clearly indicated that we have not expressed any opinion on the merits of the case and the authority concerned namely the Chancellor or the Vice-Chancellor as the case may be were only directed to take action in accordance with the resolution, if any. In case, the resolution has been annulled by any other authority, like Chancellor, it is not for the respondents to mechanically apply the order passed by this Court. The respondents are required to take action only after following the due process of law, taking note of the orders if any passed by the competent authority and before taking action notices should be issued to the private respondents or any other person who may be adversely affected and then only action should be taken.

With the aforesaid clarification, we dispose of the application.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07/08/2017
Transmission Date	NA

