

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1448 of 2017

In
Civil Writ Jurisdiction Case No. 12596 of 2017

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Rohan Kumar, aged about 24 years, son of late Subodh Prasad Singh,
resident of Village- Lattipakar, P.O.- Dharhara, PIN Code 853204, Police
Station- Gopalpur, District- Bhagalpur.

.... Appellant/s

Versus

1. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur,
District- Bhagalpur, PIN Code 812003
2. The Pro-Vice-Chancellor, Tilka Manjhi Bhagalpur University,
Bhagalpur, District- Bhagalpur, PIN Code 812003
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur, District-
Bhagalpur, PIN Code 812003.
4. The Dean Student Welfare (DSW), Tilka Manjhi Bhagalpur University,
Bhagalpur, District- Bhagalpur, PIN Code 812003.
5. The Controller of Examination, Tilka Manjhi Bhagalpur University,
Bhagalpur, District- Bhagalpur, PIN Code 812003.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Subhash Prasad, Advocate
Mr. Dilip Kumar, Advocate
For the Respondent/s : Mr. Anjani Kumar, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

3 31-10-2017 Seeking exception to an order dated 10.10.2017 passed
by the learned Writ Court in C.W.J.C. No. 12596 of 2017, this appeal
has been filed by the petitioner, who claims to be the student of Tilka
Manjhi Bhagalpur University, Bhagalpur (hereinafter referred to as
'the University').

The dispute before the learned Writ Court was with
regard to election of the students union declared and its quashing



subsequently by the Vice-chancellor of the University. When the matter came up for hearing before the Writ Court on 10.10.2017, the Writ Court found that in para 9 of the counter affidavit filed by the University, the following statements were made:

“9. That, it is also relevant to state here that, the scheduled election will be held as per recommendation mentioned in paragraph no. 6.2.2 of Sri J.M. Lyngdoh Committee report. The voter list will be published by the respective colleges as well as Dean faculties on or before 26.09.2017 and the election will be held directly of College and University Departments by the dean faculties and indirectly at the level of the University. Undisputedly the name of students of Degree Part-III of Session 2015-16, Degree part-II of Session 2016-17 and Degree Part-I of Session 2017-18 shall be included in the voter list. Similarly all the students of MBA and MCA, who are on roll during the period of election, will be included. And at the level of Master Degree course the students of Semester I Session 2015-17 and Semester III of the session 2014-16 will be the voters of the scheduled election, because in a year there is no occasion to run more than two semester courses. In such circumstances, all the



students who are eligible, will be included in the voter list and no one will be left. It is respectfully and humbly submitted that, even if by mistake any regular student who are in roll in left in voter list, he will have liberty to cast his vote by presently his identity card at the time to voting. In such circumstances it is very much clear that the answering University has taken each and every possible steps to conduct to students Union election 2017 on schedule date.”

Keeping in view the aforesaid, the writ petition was disposed of. We find no error in the order passed by the learned Writ Court warranting reconsideration. However, when the appeal was listed before us for admission for the first time on 13.10.2017 Shri Anjani Kumar, learned Additional Advocate General appearing for the University brought our notice a communication received by him from the Registrar of the University on 10.10.2017 and we directed Shri Anjani Kumar to bring the same on record today by way of counter affidavit and the same has been brought on record and an allegation has been made with regard to activities of the students in the matter of taking over law into their own hands for compelling the University to act in the manner, which is to be liking of the students.

Learned counsel appearing for the appellant vehemently refuted the submission of the University and argued that it is a device formulated by the University, namely, Vice-chancellor and the



Registrar on political consideration only to stop the election.

Having considered the rival contentions of the parties and finding no reason to make any interference in the matter on account of the activities that took place in the University, as communicated to Shri Anjani Kumar, learned Senior Advocate by the Registrar of the University vide Annexure-A to the counter affidavit filed by the University today before us, we only grant liberty to the University authorities to place all these facts before the District Administrative and the concerned authorities responsible for imposing law and order during the Election in question and the authorities may proceed in accordance with law and if the appellant has any grievance with regard to the activities of the University he may take such action as may be permissible under the law in this regard.

With the aforesaid observation, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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