

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18783 of 2017

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Syed Naqui Imam @ S. Naqui Imam, Son of Late Dr. Basirullmam, Resident of Road no.2, Gali no.1, Old Karimganj, P.S. Civil Line Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. Md. Shafiqur Rahman, Convener-Cum-Chairman, Mirza Ghalib College, Road no. 3B, White House Compound, P.O. & P.S. Rampur, Dist. Gaya.
5. Dr. Khursheed Ahmad Khan, Prof. In Charge, Mirza Ghalib College, Road no. 3B, White House Compound, P.O. & P.S. Rampur, Dist. Gaya.
6. Mr. Aziz Ahmad Muneri, Chairman of Council Mirza Ghalib College, Resident of Bari Road, P.O. Head Post Office, P.O. Kotwali, Dist. Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ray Saurabh Nath
For the State	:	Mr. Shankar Kumar Thakur, GP-27
For Resp. No. 4	:	Mr. M. K. Upadhyay

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-12-2017 This writ application has been filed for ensuring free and fair election of the Government Body as well as the Chairman of the Mirza Ghalib College Council, which is likely to be held in the month of January-February, 2018.

Earlier, someone claiming to be the Chairman of the said Council had approached this Court seeking similar relief by filing a writ application, being CWJC No. 17728 of 2017, which has been disposed by order, dated 08.12.2017.

From the contents of the said order and the pleadings in the present writ application, it appears that the parties apprehend



that the election shall not be free and fair if adequate measures in terms of security etc. are not taken.

In the order, dated 08.12.2017, passed in CWJC No. 17728 of 2017, the Court had observed that the petitioner could have approached the district administration to ensure smooth and peaceful election. The Court while declining any specific relief had observed in the said order, dated 08.12.2017, that the petitioner shall be at liberty to approach the local authorities, raising the grievance as raised in the writ application. The Court also observed that if any representation is made, the District Magistrate, Gaya, shall be required to look into the said grievance.

Learned Counsel for the petitioner has submitted that since the liberty has been given by this Court to the Chairman of the Mirza Ghalib College Council, if he does not approach the District Magistrate, Gaya, the District Magistrate, Gaya, will not be providing adequate security for the purpose of election.

In my view, this application is misconceived. If there is apprehension of breach of peace at the time of election, anyone aggrieved will have the liberty to approach the local administration, particularly, the District Magistrate, Gaya, by making representation. If such representation is made to the



District Magistrate, Gaya, the District Magistrate, Gaya, shall
look into the same and take adequate measures.

This application stand disposed of.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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