

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7138 of 2017

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1. Patna University Teachers' Association, Old Library Building, Patna University, Patna through its General Secretary, Dr. Abhay Kumar, son of Shri Upendra Prasad Yadav, resident of Aparna Mansion, 101 B, Tilak Nagar, Rukanpura, P.O.- Veterinary College, P.S.- Rupaspur, District- Patna.

2. Dr. Randhir Kumar Singh, son of Shri Anant Prasad Singh, resident of P/489, Vidyapuri, Lohianagar, Kankerbagh, P.S.- Patranagar, District- Patna.

.... Petitioner/s

Versus

1. Bihar State Election Commission, Patna through its Secretary.

2. Commissioner, Bihar State Election Commission, Patna.

3. District Election Officer (Municipality)-cum-District Magistrate, Patna.

4. Patna University, Patna through its Registrar.

5. Vice-Chancellor, Patna University, Patna.

6. Principal, Patna College, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

For the Respondent No.3 : Mr. Amit Shrivastava, Adv.

Mr. Girish Pandey, Adv.

For the Patna University : Mrs. Nivedita Nirvikar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 20-06-2017

The question involved in the present writ application has become academic since the process of Patna Municipal Elections is over.

2. Patna University Teachers' Association approached this Court, through the present writ application, seeking quashing of the appointment letters, issued by the District Magistrate, Patna-cum-District Election Officer (Municipality), Patna, whereby, the teachers of the Patna University (*hereinafter referred to as the "University"*) were appointed for performing election duties.

3. The Court had taken note of the fact that before issuing such appointment letters, no requisition was made by the District Magistrate, Patna-cum-District Election Officer (Municipality), Patna, from the University for making available the services of teachers of the University for election duties. Considering the said provision to be mandatory in nature, this Court, *vide* order, dated 16.05.2017, had granted stay of the said appointment orders, issued by the District Magistrate,



Patna-cum-District Election Officer (Municipality), Patna, as indicated above.

4. Learned counsel, appearing on behalf of the Bihar State Election Commission (*hereinafter referred to as the "Commission"*) (respondent Nos. 1 to 3), has submitted that after passing of the interim order, the District Magistrate, Patna-cum-District Election Officer (Municipality), Patna, had requisitioned services of the teaching and non-teaching employees of the University in accordance with the provisions of Section 444 of the Bihar Municipal Act, 2007 (*hereinafter referred to as the "Act"*), whereafter, their services were formally made available by the University.

5. It goes without saying that making available the services of the employees of the University is obligatory under Section 444 of the Act.

6. It is the further case of the Commission that fresh appointment letters were thereafter issued, but most of the teachers did not respond to such appointment letters and they did not turn up for the purpose of training and discharging election duties.

7. Since the reliefs sought in the present writ application no more survive, I need not comment on the grievance, which is being raised on behalf of the



Commission. The Commission is vested with power under the provisions of the Act to take appropriate steps.

8. With the above observations, this application stands disposed of.

9. Interlocutory Application Nos. 4003 of 2017 and 4247 of 2017 stand disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.06.2017
Transmission Date	N/A

