

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1914 of 2015

In

Civil Writ Jurisdiction Case No.1448 of 2014

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Md. Jamilur Rahman Son of late Hasibur Rahman Resident Of Panchaiti
Akbara, Opposite Taj Colony, Gaya, P.S. Kotwali, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar Through The Principal Secretary, Education Department,
Government Of Bihar, Patna
2. The Director Higher Education, Education Department, Government Of
Bihar, Patna
3. The District Magistrate, Gaya
4. The Vice - Chancellor, Magadh University, Bodh Gaya, Gaya
5. The Chairman, Governing Body Mirza Galib College, Gaya
6. The Governing Body, Mirza Ghalib College, Gaya Through The Secretary,
Mirza Ghalib College, Gaya, P.S. Rampur, Gaya, District - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mithilesh Kumar Upadhyay, Adv.

For the Respondent/s : Mrs. GP10-Kumari Amrita

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2017

Seeking exception to an order dated 31.3.2015 passed
by the learned Writ Court in C.W.J.C. No.1448 of 2014, this appeal
has been filed under Clause 10 of the Letters Patent.

In the matter of conducting election to the Managing
Committee of the Institute in question, learned Writ Court, finding
a title suit in the matter sub judice before the Principal Sub Judge,
Gaya, has refused to interfere into the matter.



Even though learned counsel appearing for the appellant argued that in accordance to certain observations and directions made by the Hon'ble Supreme Court, the elections are to be held, we are of the considered view that once the matter is sub judice before the learned Sub Judge, the question of election should be considered by the said Court and, if there is any direction by the Hon'ble Supreme Court, the same can also be got complied with by pointing out the same to the learned court below where the matter is pending.

Keeping in view all these factors, we are not inclined to make any indulgence into the matter. However, liberty shall be available to the appellant to move an appropriate application before the court below where the matter is sub judice and seek an appropriate order.

As far as the prayer for intervention vide I.A. No.8533 of 2017 is concerned, once we are not inclined to interfere into the matter on the grounds as indicated hereinabove, there is no question of allowing intervention.

If the interveners feel that any of their independent rights is being taken away, they may take recourse to such remedy as may be available under law. For the said purpose, intervention in this proceeding cannot be permitted.



Accordingly, we dismiss the appeal and the
interlocutory application for intervention.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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