

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.351 of 2010

In

Civil Writ Jurisdiction Case No.13155 of 2000

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1. Kameshwar Singh Sanskrit University, Darbhanga through its Registrar
 2. The Vice Chancellor, Kameshwar Singh Sanskrit University, Darbhanga
 3. The Registrar, Kameshwar Singh Sanskrit University, Darbhanga

... .. Petitioner/s

Versus

Sri Jay Nandan Mishra, S/o late Ramesh Mishra, Resident of Village-
Gajhara, P.S. Ladamiya, District- Madhubani (deceased)

Represented through:-

1. Bishwanath Mishra
2. Surya Nath Mishra
3. Shakti Nath Mishra, all sons of late Jay Nandan Mishra
4. Hema Jha
5. Rita Jha
6. Prita Jha, all daughters of late Jay Nandan Mishra, all resident of village Gajhara, P.S. Ladamiya, District- Madhubani, at present R/o Mohalla Ayachi Nagar, P.S. Sadar, District- Madhubani

... .. Respondent/s

with

Civil Review No. 60 of 2017

In

Civil Writ Jurisdiction Case No.13155 of 2000

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1. The Governing Body, Sidheshwari Laxminath Sanskrit College, Gajhara, through its Ex-Officio Member/Principal of the College, namely Daya Kant Jha, son of Late Ganesh Jha, resident of Village- Gajhara, P.S.- Ladania, District- Madhubani.
 2. Dr. Shobha Kant Mishra, son of Late Laxmikant Mishra, resident of Village- Dhanauja, P.S.- Fulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Vice Chancellor, Kameshwar Singh Sanskrit University, Darbhanga Kameshwar Nagar, District & Town- Darbhanga.
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. Bishwanath Mishra, son of Late Jay Nandan Mishra, resident of village Gajhara, P.S. Ladania, District Madhubani at present resident of Ayachinagar, P.S. Sadar District- Madhubani



5. Surya Nath Mishra, son of Late Jay Nandan Mishra, resident of village Gajhara, P.S. Ladania, District- Madhubani, at present resident of mohalla Ayachinagar, P.S. Sadar, District- Madhubani
6. Sakti Nath Mishra, son of late Jay Nandan Mishra, resident of village Gajhara, P.S. Ladania, District- Madhubani, at present resident of mohalla Ayachinagar, P.S. Sadar, District- Madhubani
7. Hema Jha
8. Rita Jha
9. Prita Jha, all daughters of late Jay Nandan Mishra, all resident of village Gajhara, P.S. Ladamiya, District- Madhubani, at present R/o Mohalla Ayachi Nagar, P.S. Sadar, District- Madhubani

... .. Respondent/s

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with

Civil Review No. 61 of 2017

In

Civil Writ Jurisdiction Case No.13155 of 2000

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1. The Governing Body, Sidheshwari Laxminath Sanskrit College, Gajhara, through its Ex-officio member/Principal of the College, namely Daya Kant Jha, Son of Late Ganesh Jha, resident of Village Gajhara, P.S.- Ladania, District- Madhubani.
2. Dr. Shobha Kant Mishra, Son of Late Laxmikant Mishra, resident of Village- Dhanauja, P.S.- Fulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Vice- Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. Tripura Devi, W/o Late Srihar Mishra, resident of village Gajhara, P.S. Ladania, District-Madhubani
5. Hare Ram Mishra,
6. Shree Ram Mishra, both sons of Late Srihar Mishra
7. Indrani Devi
8. Rudrani Devi, both D/o Late Srihar Mishra, all resident of Village- Gajhara, P.S.Ladania, District- Madhubani

... .. Respondent/s

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with

Miscellaneous Jurisdiction Case No. 2936 of 2009

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Jai Nandan Mishra, son of Late Ramesh Mishra, Resident of village- Gajhara, P.S. Ladania, District- Madhubani (Deceased)

Represented through:



1. Bishwanath Mishra
2. Surya Nath Mishra
3. Shakti Nath Mishra
4. Hema Jha
5. Rita Jha
6. Prita Jha,

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anjani Kumar Singh, the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna
3. Nand Kishore Sharma, Vice Chancellor, K.S.D. University, Darbhanga
4. Devendra Prasad Singh, Registrar, K.S.D. University, Darbhanga

... .. Respondent/s

with

Miscellaneous Jurisdiction Case No. 2937 of 2009

Sribar Mishra, son of late Hari Shanker Mishra, Resident of Village Gajhara, P.S.- Ladania, District- Madhubani. (Deceased)

Represented through:-

1. Tripura Devi, W/o Late Sribar Mishra, resident of village Gajhara, P.S. Ladania, District-Madhubani
2. Hare Ram Mishra,
3. Shree Ram Mishra, both sons of Late Sribar Mishra
4. Indrani Devi
5. Rudrani Devi, both D/o Late Sribar Mishra, all resident of Village- Gajhara, P.S.Ladania,

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anjani Kumar Singh, the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna
3. Nand Kishore Sharma, Vice Chancellor, K.S.D. University, Darbhanga
4. Devendra Prasad Singh, Registrar, K.S.D. University, Darbhanga

... .. Respondent/s

Appearance :

(In Civil Review No. 351 of 2010)

For the Petitioner/s : Mr. Harendra Prasad Singh, Advocate

For the Respondent/s : Mr.

(In Civil Review No. 60 of 2017)

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Sr. Advocate

For the Respondent/s : Mr.

(In Civil Review No. 61 of 2017)

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Sr. Advocate

For the Respondent/s : Mr.



(In Miscellaneous Jurisdiction Case No. 2936 of 2009)

For the Petitioner/s : Mr. Hemat Kumar Jha, Advocate

For the Respondent/s : Mr. (Sc-20)

(In Miscellaneous Jurisdiction Case No. 2937 of 2009)

For the Petitioner/s : Mr. Hemant Kumar Jha, Advocate

For the Respondent/s : Mr. (Sc-20)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 19-09-2018

Heard Mr. Ashok Kumar Choudhary, learned senior counsel for the review petitioners and Mr. Hemant Kumar Jha, learned counsel appearing on behalf of the writ petitioners.

2. The only issue warranting adjudication in the present case is whether the review petitioners were necessary party and if the review petitioners were necessary party then the order without hearing the review petitioners is amenable to review in view of the judgment of the Apex Court in the case of Shivdeo Singh & Ors vs State Of Punjab & Ors: AIR 1963 SC 1909.

3. Learned counsel for the original writ petitioners submits that the Governing Body was not in existence and therefore there was no occasion for the petitioners to implead the Governing Body as party.

4. Learned counsel for the review petitioners submits that the Governing Body was very much in existence and as such the order was passed against the Governing Body.

5. Considering the aforesaid contention of the parties and the judgment of the Apex Court in Shivdeo Singh (supra), the



order passed in CWJC No. 13155/2000 is modified to the extent that the University may pass order after hearing the writ petitioners and the review petitioners (Governing Body) and other stake holders before passing any order in the matter of compliance of the order dated 17.2.2009 passed in CWJC No. 13155 of 2000.

6. With the aforesaid modification in the order dated 17.2.2009 passed in CWJC No. 13155 of 2000, all the review petitions as well as petitions for initiating contempt proceeding stand disposed of.

7. The Court hopes and trusts that the respondent-University will pass appropriate order in compliance of the order dated 17.2.2009 passed in CWJC No. 13155 of 2000 after hearing all concerned including the review petitioners (Governing Body) within a maximum period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2018
Transmission Date	

