

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1804 of 2015

In
Civil Writ Jurisdiction Case No.20006 of 2012

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The Governing Body Of Babu Bhut Nath Colleg, Ausahni, Bahaga, West Champaran, through its Secretary, Deayanand Diwedi @ Dyanand Dwivedi Son of Sachhidanand Dwivedi resident of Mohalla - Ward No. 2, Malkauli, P.S. Bagaha, Distt. West Champaran

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, High Education, New Secretariat, Bihar, Patna
2. The Secretary, Bihar Intermediate Education Council, Patna
3. The Vice-Chancellor, Baba Bhimrao Ambedkar Bihar University, Muzaffarpur
4. The District Magistrate, Bettiah, West Champaran
5. The Sub - Divisional Magistrate, Bagaha, West Champaran
6. The Block Development officer, Bagaha - 2, District West Champaran
7. The Vigilance Department through its Commissioner, Vigilance, Patna
8. Madan Prasad Gupta Son of Late Ram Piyarsa Sah resident of village - Patkulia, P.S. Bagaha, District - West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anand Kishore Choudhary
For the Respondent/s	:	Mr. Mujtabaul Haque, G.P. 12
		Mr. Manish Kumar, AC to GP 12
For the University	:	Mr. Rajeev Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 03-04-2019

None appears on behalf of the appellant. Mr. Mujtabaul Haque, learned Govt. Pleader No. 12 appears for the State while respondent no. 8 is represented by Mr. Rajeev Roy.



This appeal arises from an opinion expressed by a learned Single Judge of this Court in C.W.J.C. No. 20006 of 2012, whereby the writ petition was dismissed and the learned Single Judge refrained to exercise extra-ordinary jurisdiction under Article 226 of the Constitution of India to examine the grievances of the petitioner.

This matter has been addressed earlier also and when last taken up on 24.01.2019 this Court allowed learned counsel for the parties to examine as to whether or not the issue involved herein can be relegated to the Tribunal instituted under the Bihar Grant Education Institution Authority Rules, 2015 (hereinafter referred to as 'the Rules').

When the matter is taken up thereafter today, there is no representation on behalf of the appellant, but learned State counsel as well as Mr. Rajeev Roy, learned counsel representing the respondent no. 8 do agree that 'the Rules' and the forum created thereunder are well equipped to examine the grievance of the present kind.

In such view of the matter, we grant liberty to the petitioner, if so advised, to move the forum created under 'the Rules' for espousing his grievances, but in the



nature of the issue raised, we are not persuaded to interfere
with the opinion expressed by the learned Single Judge.

The Appeal is dismissed with the liberty above.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
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