

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.558 of 2018**

**In**  
**Civil Writ Jurisdiction Case No.588 of 2018**

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1. Hena Kausar and Ors D/o Ehsan Ahmad Khan, R/o Ram Avtar Prasad Khatri Path, Diwan, Mohalla- Gurhatta Hammam, P.S.- Khajekalan, P.O.- Jhauganj, Patna City 800008.
  2. Md. Ruhullah, S/o Md. Hedayatullah, resident at and P.O.- Kadampura, P.S. Kishanpur, District- Supaul- 852131.
  3. Asif Imam, S/o Akhtar Imam, resident of Isamil Manzil, Nawab Bahadur Road, Beside Allahabad Bank, P.O.- Jhauganj, P.S.- Khajekalan, Patna City- 800008.
  4. Md. Ayaz Alam, S/o Md. Qaiyum, resident at Mohib Ali Chak, House No. 072, P.O. and P.S.- Habibpur, Bhagalpur- 813113.
  5. Abid Husain, S/o Ansar Hussain, resident of Nauzar Katra, City Court, P.O- Jhauganj, P.S.- Khajekalan, Patna- 800008.
  6. Syed Tahir Hasan Jafri, S/o Late Syed Ibne Hasan Jafri, resident of Shahistan Shear Shah Road, P.O- Gulzarbagh, P.S.- Alamganj, Patna- 800007.
  7. Syed Ehtesham Hussain, S/o Late Syed Mustaque Hussain, resident of Near Jawed Clinic, Pandariba Lane, P.O.- Jhauganj, P.S.- Khajekalan, District- Patna- 800008.
  8. Khaja Shazad Ahmad, S/o Khaja Sajjad Ahmad, resident of Moghalpura, Ali Bagh, Khaja Cottage, P.O.- Jhauganj, P.S.- Khajekalan, Patna City 800008.
  9. Md. Imteyaz Alam Khan, S/o Md. Zafeer Alam Khan, resident at and P.O. Maj haur via Nanpur, District- Sitamarhi- 843333.
  10. Abdul Ghaffar, S/o Abdul Hamid C/o Ahsan Villa, resident of Opposite Mushtaque Banker, Peerwaise Market, Alamganj, Patna- 800007.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The Chancellor Universities of Bihar, Raj Bhawan, Patna.
3. Maulana Mazharul Haque Arabic and Persian University, Patna through its Registrar.
4. Vice- Chancellor, Maulana Mazharul Haque Arabic and Persian University, Patna.
5. Registrar, Maulana Mazharul Haque Arabic and Persian University, Patna.
6. Kamlesh Kumar, Son of shri Ratan Kumar, Resident of 3/A, Aakriti Pranjal Apartment, lane No. 15, S.K. Puran, R.P.S. More, Arya Samaj, Mandir Road, Danapur, P.S.- Danapur, District- Patna.
7. Pankaj Kumar, Son of Shri Chandra Kumar, resident of village Post- Rajpur, P.S.- Madhepura, District- Madhepura.



8. Sultan Shahid Shah, Son of Syed Mohamnad Shah, Resident of Shah Residence, Dr. Mahmood Shah Lane, Darlyapur Gola, P.O.- Bankipore, P.S.- Pirbahore, District- Patna.
9. Niyaz Ahmad, Son of Aash Ahmad, resident of New Millat Colony, Sector- 03, Phulwari Sharif, P.O. P.S.- Phulwari Sharif, District- Patna.
10. Dr. Syed Nazre Ali, Son of Syed Ali Nawab, resident of Fauzdari Kuan, Mogalpora, Patna city, District- Patna.

... .. Respondent/s

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**Appearance :**

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|--------------------------|---|---------------------------------------|
| For the Appellant/s      | : | Mr. Raj Dular Sah, Advocate           |
| For the State            | : | Mr. Ashutosh Ranjan Pandey, A.A.G. 15 |
| For the Union of India   | : | Mr. Rashid Izhar, Advocate            |
| For the Respondent No.1: | : | Mr. Abhinav Srivastava, Advocate      |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 24-01-2019**

Heard learned counsel for the appellants. The appellants have come up in appeal contending that the impugned judgement dated 30<sup>th</sup> March, 2018 deserves to be set aside, inasmuch as, the appointment of the respondent-petitioners is absolutely invalid. The learned Single Judge, therefore, has committed an error in proceeding to allow the writ petition.

It has been pointed by the learned counsel for the University and by Shri Abhinav Srivastava, learned counsel for the writ petitioners, that the appellants were not parties to the writ petition. Learned counsel for the appellants, however, submits that the intervenor application had been filed and the



same was not rejected and, therefore, they have a right to prefer this appeal.

The impugned judgement, according to the learned counsel for the University, has been assailed in L.P.A. No. 648 of 2018 and is pending consideration before this Court. In the background aforesaid, we do not find any reason to allow the appellants to maintain this appeal, inasmuch as, apart from the fact that they were not impleaded as parties, the appellants cannot be said to be falling within the definition of the “aggrieved persons”, as they were engaged on contract basis which has come to an end. Learned counsel, however, invited the attention of the Court to the letter dated 27.04.2018 by the Governor’s Secretary dispatched to the Vice-Chancellor for filing an appeal against the impugned judgement. As noted above, the letters patent appeal has already been filed by the University and is pending before this Court.

In the background aforesaid, we do not find the appellants to have any interest surviving insofar as their individual cases are concerned so as to question the correctness of the impugned judgement, the validity whereof will be subject to the outcome of the letters patent appeal filed by the University.



This appeal is accordingly consigned to records.

**(Amreshwar Pratap Sahi, CJ)**

**( Anjana Mishra, J)**

K.C.Jha/Uma/-

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