

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.601 of 2019

In
Civil Writ Jurisdiction Case No.11979 of 2017

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H. D. Jain College, Ara through its Principal Shailendra Kumar Ojha, Male,
Aged About 57 Years, Son of Hardeo Ojha, P.S.-Ara Town, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Science and Technology, Department, Government of Bihar, Patna.
3. The Director, Science and Technology, Department, Government of Bihar, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The Sub-Divisional Officer, Ara, Sadar, District- Bhojpur.
6. Veer Kuer Singh University, Ara through Its Registrar.
7. The Commissioner, Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Dhanendra Chaubey, Advocate
For the Respondent/s	:	Mr. Manish Kumar, AC to AAG-6
For the V.K.S. University:		Mr. Arabind Nath Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 02-12-2019 The appellant has prayed for the following relief:

“The present appeal is being filed for setting aside the judgment dated 07.03.2019 passed by learned Single Judge in C.W.J.C. No. 11979 of 2017 (H.D. Jain College, Ara Vs. The State of Bihar & Ors.) by which the Court ha ostensibly dismissed the writ application holding that the discretionary jurisdiction under Article 226 of the Constitution of India is not appropriate forum to decide disputed questions of right, title and



interest and on the other hand has decided all the disputed question of fact against the Petitioner and that too by commission of error of records or assuming a fact which was never pleaded and argued on behalf of the writ Petitioner and further to pass any other Order / Orders as this Court may deem fit and proper.”

Having heard the learned counsel for the parties, we are of the considered view that no case for interference is made out in the present appeal. It cannot be said that the findings recorded are based on any wrong appreciation of facts or law or on erroneous grounds.

The principal donor has desired the State to construct Government Engineering College and from the record it cannot be inferred even remotely that the present appellant has got any right, title and interest therein.

May be at one point of time, petitioner may have been holding the land as licensee, but then the land was never in his possession and the Government after consideration of the entire material, including the desire of the principal donor had chosen to establish the Engineering College.

Also we find that at first instance the writ petitioner-appellant had no locus to agitate the issue, for his rights as also the assets were taken over by the University (the present University i.e. Veer Kunwar Singh University) by virtue of the



provisions of Section 4(1)(14) of the Bihar State Universities Act, 1976 and neither the petitioner chose to assail such an authority as party nor before the Court below.

Accordingly, the appeal stands dismissed.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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