

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15528 of 2022

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Varun Kumar Singh Son of Pramod Kumar Singh Resident of N Y-1 E,
Jhunjhun Mahal, Near Kachchi Talab, Patna, G.P.O. Patna, P.S.- Gardanibagh,
Dist- Patna, Pin- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Vice-Chancellor, Patna University, Patna.
4. The Pro Vice-Chancellor, Patna University, Patna.
5. The Registrar, Patna University, Patna.
6. The Proctor, Patna University, Patna.
7. The Dean Students Welfare, Patna University, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15540 of 2022

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Nirbhay Kumar Son of Hari Narayan Pramanik, Resident Village-Murariapur,
Ward No. 01, P.S.-Sikti, Dist-Araria, Pin-854333.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Vice-Chancellor, Patna University, Patna.
4. The Pro Vice-Chancellor, Patna University, Patna.
5. The Registrar, Patna University, Patna.
6. The Proctor, Patna University, Patna.
7. The Dean Students Welfare Patna University, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 15528 of 2022)

For the Petitioner/s : Mr.Vasant Vikas, Adv.

For the Respondent/s : Mr.Prabhakar Jha (Gp 27)

(In Civil Writ Jurisdiction Case No. 15540 of 2022)

For the Petitioner/s : Mr.Vasant Vikas, Adv.

For the Respondent/s : Mr.Subhash Chandra Mishra (Sc 16)

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 15-11-2022 Heard the parties.

The petitioners by way of these writ petitions assail the notification by the Patna University, dated 18.10.2022, whereby a schedule for the Patna University Students' Union Election 2022-23 (hereinafter referred as, 'the PUSU Election 2022-23') has been notified.

Learned counsel for the petitioners submits that the notification goes contrary to the claim of the Statute and especially Clause 13B of the Statute which provides that the election shall be held for an academic session, preferably between 6 to 8 weeks from the commencement of the academic sessions.

Learned counsel submits that the academic session of the University has not commenced as yet in several faculties and for the purpose the counsel takes this Court to the notification dated 11.10.2022 issued by the Patna University laying down programme for Patna University Admission Entrance Test 2022 in relation to ten different subjects where admission is test is to be scheduled for 5th of November, 2022.

Learned counsel submits that the students who would be admitted for the said courses, would be deprived for



participating in the selection process. The petitioners are students who have appeared in the final year UG examination and their result yet to be declared. They cross the age of 22 years and unless they would be admitted in the PG course they would not be able to participate in the election process as the age criteria for under graduate students is between 17 to 22 alone while for PG students it is up to 25 years and for Ph.D. students it is up to 28 years.

Learned counsel submits that the approximately more than 5000 students who would be admitted in PG classes in near future, would be denied to participated in the election process. It has been also submitted that the election has been notified after a gap of three years and it is necessary that all the students should be allowed to participate. He prays that the notification of schedule for the PUSU Election 2022-23 ought to be quashed.

Per contra learned counsel appearing for the University has opposed such a prayer, points out that the schedule of the PUSU Election 2022-23 was notified on 18.10.2022 and the process of election has already started. As per the schedule the electoral roll has already been uploaded finally on 22.10.2022 and nominations have commenced from



7th of November, 2022.

In the circumstances, learned counsel submits that there should be no interference in the schedule.

I have considered the submissions noted above.

It is a settled law that once an election has been notified the only remedy available to an aggrieved person is to challenge the election which has been finally concluded. Before the said election is concluded, no Court ordinarily interferes with the election process in view of the judgment reported in **(2003) 11 SCC 698 (Election Commission of India Vrs. State of WB & Anr.)**.

In the present case, this Court finds that the schedule of the PUSU Election 2022-23 on 18.10.2022 and the date of polling has been fixed for 19th of November, 2022. Nomination forms have already been filed.

Keeping in view thereto, no interference at this stage can be done with the election process.

So far as contentions raised by the learned counsel is concerned, the petitioners ought to have approached the Court showing their urgency at the relevant time itself. More over, this Court is of the view that since election have not been conducted for three sessions it is high time that the students'



representatives are elected who have role to play in smooth functioning of the academic sessions.

Keeping in view above, no interference is required, the writ petition is devoid of merit and it is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 4,5

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