

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7335 of 2019

1. Sanjay Kumar Das, Son of Shri Ramesh Das, resident of Village- Dumri, P.S. Samastipur, District- Samastipur.
2. Pappu Kumar, Son of Shri Om Nath Sah, resident of Village- Dumri, P.S. Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Education, Government of Bihar, Patna.
4. The Vice Chancellor, L.N.M University, Darbhanga.
5. The Registrar, L.N.M University, Darbhanga.
6. The Election Commission of India through the Under Secretary, Nirvachan Sadan, Ashoka Road, New Delhi.
7. The Under Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi.
8. The Chief Electoral Officer, Bihar.
9. The District Election Officer cum District Magistrate, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Jha, Adv.
For the Respondent-State : Mr. Lalit Kishore, AG
For the Respondent-ECI : Mr. Siddhartha Prasad, Adv.
For the Respondent-LNMU : Mr. Md. Nadim Seraj, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 16-04-2019

Heard Mr. Hemant Kumar Jha, learned counsel appearing for the petitioners, Mr. Lalit Kishore, learned Advocate General appears for the State, Mr. Siddhartha Prasad appears for the Election



Commission of India and Mr. Md. Nadim Seraj appears for the L.N.M. University.

It is the students of A.N.D. College, Shahpur Patori in the district of Samastipur, a constituent college under the L.N.M. University, Darbhanga who have chosen to raise objections because the services of the Teachers of their College have been requisitioned by the Election Commission of India for rendering duty as Patrolling Magistrate during the forthcoming Parliamentary Election, 2019.

We completely fail to appreciate as to the cause of action for the petitioner to maintain the writ petition because of the following reasons:

- (a) There is no disturbance to academic activity of the college;
- (b) As per the affidavit(s) so filed on behalf of the State as well as the Election Commission of India, no examination is to be held around the time when the election would be held;
- (c) All the Teachers whose services have been requisitioned have undergone training in March, 2019;
- (d) The election process has already initiated; and
- (e) The requisition of the Election Commission of India is not only to the University but also for the Central Government employees, the employees working under



the administrative control of the State Government, the Local Authorities as well as the Semi-Government Organizations.

In such view of the matter and considering the mandate underlying the Representation of People Act, 1951 the Election Commission is well within its jurisdiction to requisition the services of any citizen of the State for rendering his services in the forthcoming Parliamentary Election and even though here have been opinions of the Courts where requisitioning of any such services effects the services of any educational institution but that is not the case at present, which would require any opinion thereon.

In the circumstances so discussed we do not find any merit in the writ petition which is accordingly dismissed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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