

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3806 of 2015

1. Pankaj Singh, son of Omprakash Singh, resident of village- Khawajepur, P.O.- Khawajepur, Police Station- Yadopur, District- Gopalganj.
2. Shailendra Kumar Prasad, son of Baliram Prasad, resident of village- Bahora Hata, P.O.- Manjhagadh, Police Station- Manjhagadh, District- Gopalganj.
3. Mehndi Khan, son of Shabbir Khan,, resident of village- Koini Khan Tola, P.O.- Koini, Police Station- Manjhagdh, District- Gopalganj
4. Md. Rizwan Ali, son of Md. Neyamul Haq,, resident of village- Bakhraur, P.O.- Kahla, Police Station- Barauli, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary- Cum- Commissioner, Higher Education, Bihar, Patna,
3. The Director Secondary Education, Bihar, Patna.
4. The Vice Chancellor, Jai Prakash University, Rahul Sanskritayan Nagar, Chapra.
5. The Registrar, Jai Prakash University, Rahul Sanskritayan Nagar, Chapra
6. The Secretary, Gopalganj Degree College, Koine, Gopalganj.
7. The Principal, Gopalganj Degree College, Koine, Gopalganj.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 3560 of 2015

1. Ved Prakash Son of Rajendra Kumar resident of village - Baghi, P.O. Baghi, Police Station - Kataiya, District - Gopalganj
2. Seraj Ahmad Son of Shamamuddin resident of village - Rudrapur, P.O. Rudrapur, Police Station - Kataiya, District - Gopalganj
3. Virendra Gupta Son of Durga Gupta resident of village - Ruphi, P.O. Kachaar, Police Station - Kachaar, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary - Cum - Commissioner, Higher Education, Bihar, Patna
3. The Director Secondary Education, Bihar, Patna
4. The Vice - Chancellor, Jai Prakash University, Rahul Sanskritayan Nagar, Chapra
5. The Registrar, Jai Prakash University, Rahul Sanskritayan Nagar, Chapra
6. The Secretary, Pandit Devraj College, Tiwary Tola, Kataiya, Gopalganj
7. The Principal, Pandit Devraj College, Tiwary Tola, Kataiya, Gopalganj

.... Respondent/s

Appearance :

(In CWJC No. 3806 of 2015)

For the Petitioner/s : Mr. Prashant Kumar
For the State: Mr. Ashish Kumar La, AC to GA-XII
For the Respondent/s : Mr. AJAY- GA12

(In CWJC No. 3560 of 2015)

For the Petitioner/s : Mr. Rajiv Ranjan Jha

For the Respondent/s : Mr. Indeshwari Pd. Mandal, AC to GA-7
For the J.P. University: Mr. Anjani Kumar, Sr. Advocate
Mr. Mrigendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 16-04-2015

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16.04.2015

Heard learned counsel for the parties.

Two writ applications have been filed. Both of them are taken up together because the petitioners are students of various colleges located in the geographical boundary of J. P. University, Chapra. They demand a direction upon the respondent-authorities, especially the university that they will be permitted to appear in the ensuing final examination in graduation courses to be conducted by the university since they had taken admission in various courses in the colleges in question as bona fide students.

In support of such a prayer, the petitioners also annexed Annexure-6, dated 25.11.2014. This is a letter addressed to the Registrar of J. P. University, Chapra by a functionary of the Education Department, Government of Bihar, Patna.

Matter was initially heard and the Court had serious reservation as well as the bona fide of the official concern to issue such a letter to the Registrar of the university under the controversy that 53 newly

established colleges had not yet been granted affiliation by the university. In absence of any affiliation in terms of the provisions of Bihar Universities Act, there is no obligation created upon the university to conduct any examination of any student, who was not legally and validly enrolled and registered with the university.

This Court has nothing to say with regard to the authenticity of the colleges, including their capability to dispense quality of education, because all these aspects are required to be looked into by the university before granting affiliation.

As usual, the students have been as a bait to beget indulgence and mercy from the Court, but this Court is not moved by the prayer made by the petitioners because they do not have any law in support of the relief they are looking for. The Court may have sympathy with them, but can not pass an Order upon the respondent-university to conduct any examination unless the students are enrolled with the university and any recognition or affiliation is granted to these colleges, whose students these petitioners are. The legal obligation not being in question under the controversial circumstances coupled with the fact that when the Principal Secretary of Education, Government

of Bihar was directed to file a counter affidavit indicating the circumstances under which Annexure-6, dated 25.11.2014 came to be issued, as he after offering his explanation has withdrawn the said communication.

With the above development, the status of the petitioners becomes even weaker than what it was.

The Court is left with no option but to dismiss the writ application and not allowed any kind of indulgence to these institutions who are taking students for a right, in fact, they should be appropriately dealt with by the authorities for being a law by themselves.

In view of the aforesaid facts and circumstances, writ application stands dismissed.

(Ajay Kumar Tripathi, J.)

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