

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.844 of 2015

In

Civil Writ Jurisdiction Case No. 13063 of 2014

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Mahesh Prasad, Advocate (in person), son of Late Arjun Prasad Sao, resident of Village-Majhauria, P.O.- Khabra, P.S.-Sadar, District-Muzaffarpur, at present residing at Behind Prakash Bhawan, Near T.P.S. College, Chiraiyatand, P.S.- Kankarbagh, District-Patna-01 and sitting at Table no.1, Western Varandah, Advocates' Association, Patna High Court, Patna.

.... Appellant

Versus

1. Patna University, University Campus, Ashok Raj Path, Patna-800005.
2. The Vice-Chancellor, Patna University, Ashok Raj Path, Patna-800005.
3. The Registrar, Patna University, Ashok Raj Path, Patna-800005.
4. The Examination Controller, Patna University, Ashok Raj Path, Patna-800005.
5. The Dean Students' Welfare, Patna University, Patna-800005.
6. The Dean-Cum-Principal, Patna Law College, P.G. Law Department, Patna-800006.
7. Dr. Vani Bhushan, the Head, P.G. Department of Law, Patna Law College Campus, Patna-800006.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Mahesh Prasad, Advocate (in person)
For the Respondent/s : Mr. Vivekanand Pd. Singh, Advocate
Mr. Digvijay Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 29-09-2015

I A No. 3573 of 2015

This application has been filed by the appellant, under Section 5 of the Limitation Act, seeking condonation of delay of 32 days in preferring the present Letters Patent Appeal against the order, dated 18.2.2015 passed in CWJC No. 13063 of 2014.

Heard Mr. Mahesh Prasad, learned counsel (*in person*) appearing for the appellant-applicant, and Mr. Vivekanand Prasad Singh, learned counsel appearing for the respondent-Patna University.

Having considered the reasons assigned in the present petition, seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within time.

In view of the above, the delay in preferring the Letters Patent Appeal is hereby condoned.

I A No. 3573 of 2015 stands disposed of accordingly.

LPA No. 844 of 2015

This Appeal under Clause 10 of Letters Patent of the Patna High Court has been preferred by the appellant being

aggrieved by order dated 18.2.2015 of the learned Single Judge passed in CWJC No. 13063 of 2014, whereby the writ application filed by the petitioner under Article 226 of the Constitution of India stood disposed of, without any relief granted to him as sought for, in the said writ application.

The petitioner had approached this Court by filing the writ petition as aforesaid seeking a direction to the respondents-Patna University, restraining them from giving effect to the letter dated 16.7.2014 and accept his form and other documents for the purpose of his admission to LL.M. Course for the Session 2014- 2015.

It transpires from the records, including the pleadings in the writ application and the counter affidavit that the appellant at the time of seeking admission to the said LL.M. Course was pursuing another course conducted by Indira Gandhi National Open University (hereinafter referred to as 'IGNOU', for brevity). This is not in dispute that in terms of decision of the Syndicate of Patna University, no candidate is permitted to be admitted / registered as a student in any course leading to Diploma or Degree during the academic year of his/her study period in a different course. On the ground that the petitioner was registered with the IGNOU, pursuing another course and that he failed to

produce before the Patna University, college leaving certificate/institution leaving certificate, Patna University refused his admission to LL.M. Course. From the counter affidavit filed on behalf of the Patna University, it appears that the academic session 2014-2015 of the LL.M. Course is almost coming to an end and there is no provision in the University Statute to accommodate any student for the next academic session 2015-2016. It has also been pointed out that the petitioner had submitted, upon his selection for admission to LL.M. Course for the session 2014-2015, the admission fee, pursuant to the direction of the learned Single Judge, which is under appeal, even the admission fees have been refunded to the appellant, which he has already accepted.

In the facts and circumstances as discussed above, we do not find any reason to interfere with the order under appeal passed by the learned Single Judge.

The Appeal is accordingly dismissed.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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