

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18747 of 2010

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Vijay Sinha son of Late Dr. Vidyadhar Prasad resident of 186/C, Vidyalay Marg, Ashok Nagar, P.O.- Argora, Distt.- Ranchi, Jharkhand

.... Petitioner/s

Versus

1. Patna University, Patna Through Its Vice Chancellor
2. Vice Chancellor, Patna University, Patna
3. Registrar, Patna University, Patna
4. Assistant Registrar, Patna University, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mrs. Soni Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

10 23-02-2015 Heard Sri Vijay Sinha, the petitioner, who has appeared in person and Smt. Soni Shrivastava, learned counsel for the Patna University.

This is the second attempt by the petitioner whereby while invoking writ jurisdiction of this court under Article 226 of the Constitution of India the petitioner has prayed for directing the respondents to accept his registration under the same Supervisor from the date other candidates for Ph.D in Faculty of Engineering were cleared by Post Graduate Research Council (hereinafter referred to as "PGRC").

The petitioner has also prayed for quashing a communication issued vide letter no. Acad-21 dated 9.2.2010



issued under the signature of Assistant Registrar, Patna University i.e. Annexure – 1 to the writ petition. Almost for the same relief the petitioner had earlier approached this court by filing a writ petition vide CWJC No.11107 of 2009. The said writ petition was finally disposed of on 1.9.2009 with a direction to the Vice Chancellor, Patna University to consider the representation of the petitioner dated 27th September, 2008 as early as possible within specified time.

The petitioner submits that in representation i.e. Annexure - 7/1 to the writ petition the petitioner has elaborately made a prayer for redressal of his grievances whereas, vide Annexure - 1 the representation has been rejected in a perfunctory manner without assigning any reason.

Learned counsel for the University opposing the prayer of the petitioner submits that the petitioner has claimed for Ph.D. research work in Faculty of Engineering since earlier the Bihar College of Engineering was under Patna University. In 2004 Bihar College of Engineering was taken over by the Government of India and it was made as National Institute of Technology, Patna. However, from 2004 to 2007 the Patna University was only conducting examination in respect of NIT and finally status of NIT has been changed as deemed university, and as such,



Patna University has got no authority to grant the relief sought for by the petitioner. However, she was not in a position to support the Annexure - 1. On the point of non assigning reason vide Annexure - 1 Smt. Shrivastava submits that the communication i.e. Annexure - 1 makes it clear that the claim of the petitioner was already rejected in the year 2007, and as such information was made available to the petitioner even under the provisions of Right to Information Act. According to Smt. Soni Srivastava, learned counsel for Patna University merely non assigning reason would not be enough to set aside the order.

Besides hearing the petitioner and learned counsel for the Patna University I have also perused the materials available on record. In view of peculiar facts on merit the court is not required to delve into the matter. But on perusal of Annexure - 1 to the writ petition the court is satisfied that once a bench of this court had issued direction to examine the representation, the Patna University was required to assign succinctly reason for rejecting the claim of the petitioner. The Annexure - 1 does not reflect reason save and except reference to certain communications made by the Patna University. The court is of the opinion that once a direction is issued by the writ court to the authority concerned to examine a representation and pass appropriate order

it is deemed that while deciding the representation reason is necessary to be assigned. In the impugned order, i.e. Annexure - 1 since no reason has been assigned, the court is left with no option but to set aside the same with a direction to the Registrar of the Patna University to pass order afresh assigning succinctly reason for disagreeing with the claim of the petitioner. The Registrar of the Patna University is required to pass a speaking order within a period of one month from the date of receipt / production of a copy of this order. It is made clear that the court has not recorded any opinion on the merit of the case.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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