

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.431 of 2014

IN

Civil Writ Jurisdiction Case No. 14280 of 2013

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Dr. Amrendra Kumar, Son of Shri Subali Prasad, Resident of Flat No. 301,
Damyant Kunj Apartment, Budha Colony, P.S.- Budha Colony, District- Patna.

.... Petitioner -Appellant/s

Versus

1. The State of Bihar through, the Principal Secretary, Department of Health,
Government of Bihar, Patna
2. The Aryabhat Knowledge University, through its Registrar, Meethapur, Patna
3. The Vice Chancellor, Aryabhat Knowledge University, Meethapur, Patna
4. The Principal, Patna Medical College Hospital, Patna
5. The Head of Department, Department of Surgery, Patna Medical College
Hospital, Patna
6. The O.S.D. (Examination), Aryabhat Knowledge University, Meethapur, Patna
7. The Central Bureau of Investigation, EOU-II, EO-I, New Delhi through
Superintendent of Police.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chitranjan Sinha, Senior Advocate
Mr. Shree Nivas Madhuwan, Advocate

For the Respondent/s : Mr. Lalit Kishore, PAAG
Mrs. Archana Palkar Khopde, advocate
Mr. Bipin Kumar Sinha, Sr. counsel CBI

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-05-2015

This appeal is preferred by the successful petitioner in
CWJC No.14280 of 2013. The appellant felt aggrieved by a
communication dated 11.05.2013 issued by the Aryabhat Knowledge
University, Patna.

The relevant facts, in brief, are as under:

The appellant completed his MBBS course in the year



2008 from a Collage at Manglore and Internship in the year 2009. All India Post Graduate Medical and Dental Entrance Examination was conducted in the year 2010 for selecting candidates to the Post Graduate Medical Courses. The appellant appeared therein and on the basis of the rank assigned to him, in that examination, he was selected for admission in M.S. course in Patna Medical College and Hospital- the 5th respondent, which in turn is affiliated to the 2nd respondent- the Aryabhat Knowledge University.

On 11.05.2013, the University requested the appellant to inform whether he has received any communication from the Economic Offence Unit of Central Bureau Investigation, New Delhi in relation to his admission to Post Graduate Course. It was also informed that till his case is cleared by the CBI, he would not be permitted to pursue the course or to take the examination. Challenging the said communication, the appellant filed the writ petition. The learned Single Judge dismissed the same. Hence, this appeal.

Heard Sri Chitranjan Sinha, learned senior counsel for the appellant, Sri Lalit Kishore, learned Principal Additional Advocate General for the State and Smt. Archana Palkar Khopde, learned counsel for the University and Sri Bipin Kumar Sinha, learned counsel for the CBI.

In all fairness, learned counsel for the appellant submitted that the appellant received summons from the CBI in connection with the entrance examination for the P.G. course, and he was also arrested. The charge-sheet is said to have been filed in the criminal case instituted against the appellant. It may be true that the trial of the case would take quite some time. However, we find it difficult to accede to the request of the appellant to permit him to pursue the course and take the examination.

At the most, a request of this nature has to be made before the Court where the criminal case is pending. That would be better suited to appreciate the gravity of the matter and examine the request of this nature. We are not inclined to interfere with the order passed by the learned Single Judge.

The Appeal is dismissed.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Sudhir Singh, J)

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