

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14130 of 2014

=====

Vibhuti Bhushan son of Dinesh Chandra, resident of Village /Mohalla - Kali Badi, Rajgir, P.O. and P.S. - Rajgir, District - Nalanda.

.... Petitioner/s

Versus

1. The V.C. Patna University, Patna.
2. The Registrar, Patna University, Patna.
3. The Head of the Department-Cum-In Charge of Admission,
Ancient Indian History and Archeology Department,
Patna University, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 06-01-2015

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to take his admission in M.A. in Department of Ancient Indian History and Archeology for the Sessions 2014-2016. The petitioner has also prayed for quashing the letter dated 09.06.2014 (Annexure-3) issued under the signature of respondent Registrar, Patna University, Patna, whereby certain instructions have been issued relating to admission in different courses/streams and for allotment of hostels in Patna University.

This matter was heard earlier on different dates and prima facie, this Court is of the opinion that the letter/communication dated 09.06.2014 (Annexure-3) is in teeth of Article 14 of the Constitution of India, but statements have been made on behalf of the respondents in the supplementary counter affidavit filed on 23rd December, 2014 to the effect that classes were started much earlier in M.A.Course for the Sessions 2014-

2016 and, in fact, examination of Ist Semester of the said batch commenced on 08.12.2014 and concluded on 15.12.2014. The facts stated in the aforesaid supplementary counter affidavit have not been disputed by the petitioner by filing any reply to the aforesaid supplementary counter affidavit.

In view of the facts stated in the supplementary counter affidavit, it appears that at this belated stage, it would not be expedient to issue any direction for taking admission of the petitioner in M.A. course of Ancient Indian History and Archeology. In that view of the matter, this court is not inclined to conclusively decide the issue raised regarding validity and correctness of the impugned letter/communication dated 09.06.2014 and this issue is left to be decided conclusively in an appropriate proceeding, a later stage, if occasion so arises.

In view of the progress of the classes and examination having already been conducted by the University for the said sessions, present writ petition appears to have become infructuous.

However, the petitioner shall be at liberty to apply for his admission once again, if a fresh notice is issued by the Patna University for admission in M.A. course. It is expected that if such an application is made by the petitioner, the same shall be considered by the respondents in accordance with law and his claim shall not be rejected on the ground of rejection of the present writ petition.

The writ petition stands finally dismissed with the observations made above.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--