

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11787 of 2016**

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1. Ritesh Kumar Dubey son of Ashnarayan Dubey resident of Village+Post -  
Nechua Jalalpur, District-Gopalganj
  2. Prince Kumar Pathak son of Jai Pathak resident of Village-+ Post - Balathari,  
District- Gopalganj
  3. Sudhanshu Kumar son of Hariom Shahi
  4. Avinash Kumar Shahi son of Pramod Shahi. Both resident of Village+ Post-  
Kuchaikot, District- Gopalganj
  5. Sandeep Kumar Singh son of Bed Prakash Singh resident of Village- Post-  
Nechua Jalalpur, District-Gopalganj
  6. Suman Kumari daughter of Harendra Ram resident of Village- Mathiya Daya  
Ram , Post- Nechua Jalalpur, District- Gopalganj

.... .... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Education Department  
Govt. of Bihar, Patna
2. The Special Secretary, Education Department, Govt. of Bihar, Patna
3. The Jai Prakash University, through its Registrar, Chapra
4. The Vice Chancellor, Jai Prakash University, Chapra.
5. The Registrar, Jai Prakash University, Chapra.
6. The Examination Controller, Jai Prakash University, Chapra
7. The Secretary, Governing Body, Shree Mahendra Das Degree College, Mathia,  
Nechua Jalalpur, Gopalganj
8. The Principal , Shree Mahendra Das Degree College, Mathia, Nechua Jalalpur,  
Gopalganj

.... .... Respondents

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**Appearance :**

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|---------------------|---|---------------------------------------------------------------|
| For the Petitioners | : | Mr. Rajeev Roy, Advocate<br>Mr. Gyan Prakash, Advocate        |
| For the State       | : | Smt. Namrata Mishra, G.A.6<br>Smt. Archana Jha, A.C. to G.A.6 |
| For the University  | : | Mr. Mrigendra Kumar, Advocate                                 |

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**ORAL JUDGMENT**

**Date: 22-09-2016**

Heard counsel for the petitioners and counsel for the  
University.

2. By Annexure-4, the Registrar of the University has  
only tried to convey to the college in question that they have to fall in



line and they have to stick to the number of students for the purposes of admission as per the approval granted by the University. If this college is in the habit of not complying with the directive of the University by maintaining the number of students who are required to be admitted and has been pushing candidates over and above the sanctioned strength and trying to facilitate examination etc. to be held for such candidates, there is no obligation upon the University in question to accept or entertain such request. Annexure-4 in fact was enough caution and warning to the college in question and if the respondent University has refused to entertain any kind of application or deposit of money as examination fee for such students, they have committed no wrong.

3. The stand of the University is indicated in its counter affidavit in paragraphs 4 to 7 which are reproduced herein below:

"That with regard to the statements made in paragraph nos.1(i), (ii) and (iii) of the writ application under reply, it is humbly submitted that the petitioners' college has admitted the petitioners/students in the TDC Part-1 of academic session 2014-15 over the sanctioned seats in the concerned subject.

That in this regard, a statute has been issued by the order of the Hon'ble Chancellor, Universities of Bihar vide Governor's Secretariat letter no.BSU-16/86-1098-GS(1) dated 19.04.1986 wherein section 16 of the aforesaid Statute may be perused as follows:-

"The University shall fix the maximum Number of Students to be admitted in each class of each

college depending upon the facilities available in the college. The number of seats in the Honours class of a subject in which no practical course is prescribed shall not ordinarily exceed 75 and in a subject having a practical course the number of seats in the Honours class shall not exceed 32."

That it is further humbly submitted that under the provision of sub-section 2 of section 61 of the Bihar State Universities Act, 1976 as amended up to date, the State Government has determined the maximum numbers of seat for enrollment of students in each colleges and P.G. Departments under the jurisdiction of this University vide its letter no.469 dated 20.08.2010.

That in view of provision of the aforesaid Statutes and the aforesaid Government's letter dated 20.08.2010, the J.P. University, Chapra has examined the matter after the application for registration of the students of college received by the University and the University found that the college has admitted the said students (more than 3500 students) over the sanctioned seats in all subjects. Due to aforesaid illegal admission of the petitioners done by the college, the registration fees of the petitioners have been returned back to the college and registration applications of the petitioners have been cancelled vide letter no.7449(R) dated 25.02.2016. The said letter dated 25.02.2016 may be seen at Annexure-6 of the writ application."

4. Counsel for the petitioners submits that even in the past, the University has accepted such request. In other words the college is in the habit of breaching the law and the directive of the University and it has emboldened them to act in the manner which has led to refusal by the University to accept the additional form and fee

of students over and above the sanctioned strength.

5. Such kind of colleges and institutions should be put in their place and the University should consider whether even affiliation is required to be withdrawn, if they do not adhere to the directive of the University with regard to such admissions and discipline of the college.

6. Writ has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J.)**

S.Kumar/-

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