

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16673 of 2016

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Ranjit Kumar Yadav Advocate son of Sri Rajendra Yadav, Resident of Hanuman Nagar, New Punaichak, Police Station- Shastrinagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Chairman Bihar Combined Entrance Competitive Examination, IAS Bhawan, Patna.
4. The Controller of Examination, Bihar Combined Entrance Competitive Examination, IAS Bhawan, Patna.

.... Respondent/s

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For the Petitioner/s : M/s Suraj Narain Yadav, Annu Shree & Umesh Pd, Advs

For BCECE : Mr Vikas Kumar, Advocate

For the State : Mr Anil Kr Verma, AC to AAG IX

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 06-10-2016

This PIL focuses attention of this Court on the aspect of admission to Medical Colleges at the Undergraduate level and the effect of reservation policy thereof. It equally applies to admission to other educational institutions as well. Controversy had arisen as to how the reservation policy, as reflected in the Bihar Reservation Act, has to be applied while selecting candidates for admission to educational institutions. Two Division Bench judgments took two different views. The matter was then referred to a Full Bench of this

Court which decided the issue in the case of *Controller of Examination, Bihar Combined Entrance Competitive Examination, 1999 –Versus- Nidhi Sinha & Another* since reported in 2016 (3) *PLJR* 273. This Court, through the Full Bench, laid down that the principles with regard to admission to educational courses is different from the principles when it comes to recruiting employees in State service. The grievance of the petitioner is that notwithstanding the aforesaid judgment, which was delivered on 24.06.2016, when the MBBS Entrance results for the Bihar State was being worked out this year, the judgment was deliberately ignored. In the counter affidavit filed, this position is not contested. In other words, it is accepted that the Full Bench judgment has not been strictly adhered to. The counter affidavit states that State would abide by directions of this Court. It had finalized the admission pending clarification from the Department of General Administration of the Government.

2 We failed to understand the stand. Once Court has settled a position then the decision of the Court or the implementation thereof cannot be postponed or delayed awaiting orders from one or the other Department for that would make the decision of the Court subordinate to the decision of the administrative authority. It would be destruction of rule of law. If this is permitted, then notwithstanding judgment of the Court, an administrative authority can sleep over the matter, consign the judgment to waste paper basket on the ground that another

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Department has not yet given clarification as to implementation of the judgment and, therefore, judgment is of no value. This would only be mockery of the whole system. Once any authority, who is bound by the judgment is aware of the judgment, then he is obliged to act in accordance with the judgment. The application of judgment cannot be postponed till any other authority takes a decision in the matter.

3 Thus, we are clearly of the opinion that the State has failed to follow the judgment of the Full Bench without any reasonable cause.

4 We, accordingly, direct that in matter of admission to Medical Colleges and other educational institutions, the Full Bench judgment, as aforesaid, has to be applied. Wherever the process was undertaken after the judgment of this Court, the process has to be completed forthwith applying the judgment in all its aspects. Ignoring the same would be contemptuous. We hope and expect the State will take remedial actions forthwith without waiting for any further clarification from any authority.

5 With these observations and directions, this writ petition stands allowed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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