

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10283 of 2016

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Sunanda, Daughter of Jawahar Prasad Mehta, Resident of Kharra Road, Fatehpur,
Sabour, P.S. Zero Mile Bhagalpur, District Bhagalpur, PIN-813210.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Exam Controller, T.M. Bhagalpur University, Bhagalpur.
4. The Principal, Sundervati Mahila Mahavidyalaya, Bhagalpur (B.Ed.
Department).
5. The Officer-in-Charge (B.Ed. Department) Sundervati Mahila Mahavidyalaya,
Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Karuna Kant Jha, Advocate
For the State	:	Mr. Roy Shivajee Nath, A.A.G.3
For the University	:	Mr. R.K. Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 18-08-2016

Petitioner was one of the applicants and aspirant for admission in B.Ed. course for the session 2015-17. According to the petitioner, she was the sole competent candidate who should have been given admission in what is known as Sundervati Mahila College under Tilka Manjhi Bhagalpur University. It is also the case of the petitioner that she belongs to BC-II category and was entitled to benefit of reservation. However, by manipulating things, the college in question denied her admission and in fact somebody else was offered admission in place of the petitioner.

2. The Court directed the respondent University to file

counter affidavit as to how and for what reason the petitioner was denied admission despite her name figuring in the list of candidates.

3. A counter affidavit has been filed on behalf of the University. They have explained the process which was adopted for grant of admission in the B.Ed. course. They indicate in the counter affidavit that after the process of short listing of candidates was completed, only 96 candidates could be given admission out of sanctioned seat of 100. 4 seats were thereafter required to be filled up and for which the roster, subject wise and caste wise, was drawn up. This decision was taken by the admission committee. The course of commerce was the choice of the petitioner. So far as she is concerned, commerce was reserved for BC-I category candidates. Petitioner belongs to BC-II category. No candidate turned up for taking admission in commerce stream. The seat, therefore, again remained vacant but the committee finally decided keeping in mind that there was a physically handicapped category candidate who had vision handicap to the extent of 70% to give her opening in life to join the course.

4. The option for the University or the college was to leave the seat vacant because of non-representation or claim in the BC-I category. However, keeping in mind the larger humanitarian aspect if they decided to give an opening to a candidate under

physically handicapped category, they have done nothing wrong.

5. It is not a case that the petitioner was deliberately denied admission in B.Ed. course at the cost of her right for such admission.

6. In the above circumstances, no interference is warranted either with the decision nor any direction is required to be issued for admission of the petitioner.

7. Writ has not merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.08.2016
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