

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12670 of 2015

Navin Kumar Navendu Son of Shree Vishwanath Kapar, resident of Boria, P.S. -
Bibhutipur, District - Samastipur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Deptt. of Higher Education,
Govt of Bihar, Patna.
2. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga, Bihar.
3. The Director, Distance Education, L.N. Mithila University Kameshwar Nagar,
Darbhanga, Bihar.
4. The Dean Student Welfare (D.S.W.) Lalit Narayan, Mithila University,
Kameshwar Nagar, Darbhanga.

.... Respondents

Appearance :

For the Petitioner : Mr. Pramod Kumar Pandey, Advocate
For the State : Mr. Ashok Kumar, S.C.11
Mr. Amresh, A.C. to S.C.11
For the University : Md. Nadim Seraj, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-05-2016

Petitioner appeared in a Common Entrance Test conducted in the year 2015 by L.N. Mithila University for what is known as the Distance Education for B.Ed. course being offered. It is his case that he qualified and his name appeared in the Common Entrance Test but he has not been permitted to take admission. This is the background under which the writ application has been filed for a direction upon the University. As per the counsel for the petitioner, he fulfilled all the requirements in terms of the application form and the declaration made therein. He was allowed to sit and participate in the examination but now the University is not offering him admission without any clear reason.



2. A counter affidavit has been filed on behalf of L.N. Mithila University. They have taken a stand that the students of the institution where the petitioner is supposed to be working is not clear. There was a kind of no objection given to the institution but that institution was permitted to take admission from Class I to Class VIII and was for a limited period and validity. Obviously the institution has not been affiliated with any 'Board' till date, therefore, the status of the institution is very nebulous. In addition to that some other facts have also been stated in paragraph-10 of the counter affidavit which cast a doubt about the working of the petitioner in the institution and the conflicting testimonials and certificates which have been issued also creates a doubt about the authenticity of the petitioner working in the said institution or school.

3. Counsel for the petitioner submits that in terms of Annexure-3, specially Clause 5, he was required to produce either a certificate of recognition/affiliation from the 'Boards' whose names have been indicated therein or a NOC either from the State Government or the Central Government.

4. Not any kind of NOC can sort out the problem of the petitioner. The NOC has to be with regard to the status of the institution from where the candidate is claiming experience/employment/status of working. What has been annexed with the writ application by the petitioner is a letter issued by the Special Director, Secondary Education

addressed to the ICSE Board that the State has no objection if an affiliation is granted to the school in question by the said Board. In other words, as of present, the institution is not affiliated with any Board and, therefore, it is hardly an institution worthy of being given recognition for such purposes.

5. With this background and controversy the L.N. Mithila University has rightly taken a decision not to offer admission to the petitioner despite clearing the written examination because he has not been able to meet the requirements in terms of Annexure-3 and merely because he was allowed to participate in the examination does not amount to waiver of other requirements before admission could be granted in B.Ed. distance learning course.

6. No mandamus, therefore, will be issued on the University keeping in mind the status of this institution known as Brilliant Academy, Darbhanga.

7. Writ application stands dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
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