

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18091 of 2015

Mitu Kumari, Wife of Dinesh Ram, resident of Village- Chandorhatti, P.S.-
Kudhani, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar, Patna. Human Resources Deptt.
2. Vice Chancellor, Baba Saheb Bhimrao Ambedkar, Bihar University Muzaffarpur, Bihar.
3. Registrar, Baba Saheb Bhim Rao Ambedhkar Bihar Universities Muzaffarpur.
4. Secretary to Governor, Government of Bihar.
5. President of Governing Body of Sahid Pramod College, Susta Madhopur, Muzaffarpur.
6. Secretary Sahid Pramod College, Susta Madhopur, Muzaffarpur.
7. Principle Sahid Pramod College Susta Madhopur, Muzaffarpur.

.... Respondents

Appearance:

For the Petitioner : Mr. Manoj Kumar Singh, Advocate.
For the University : Mr. Santosh Kumar Jha, Advocate.
For the Respondents 5 to 7 : Mr. P. K. Sahi, Sr. Advocate.
Mr. Sanjeet Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-08-2016

Heard Learned Counsel for the petitioner, learned
counsel for the Institution, learned counsel for the University and
learned counsel for the State.

Writ application was filed by the petitioner making
certain allegations against the institution that her form and fee for the
B.Ed. Part I Examination is not being accepted or forwarded to the
B.R.A. Bihar University for participation in the examination. The
reason indicated is illegal demand of money which the petitioner is
not in a position to fulfill.



In the counter affidavit filed on behalf of the institution, they have denied the allegations made by the petitioner. In fact, there is a counter allegation upon the petitioner that she has not been attending her classes and in fact the total attendance is only five days and that is the primary reason why this college was not in a position to accept the form and fee of the petitioner and forward it to the University to permit her to participate in the examination.

In the counter affidavit of the University, they bring on record the enquiry report of the three member committee, which also has not found the allegation made by the petitioner to be correct though to some extent, the Court must observe that the said report is not very satisfactory.

In the above controversial facts, a clear and categorical submission is made on behalf of the learned senior counsel representing the institution, that let the petitioner attend the classes and complete the minimum requirement of attendance and then the University will surely accept the form and fee for the next examination and they will ensure no impediment is created in this regard.

If the petitioner is willing to attend the lectures and complete the required attendance, no impediment shall be created by the institution on one pretext or the other. So far as the participation

in the examination is concerned that stage has passed and no relief regarding appearance in the examination can be granted at this stage and juncture.

Writ application stands disposed of with the above observations.

(Ajay Kumar Tripathi, J)

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