

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16769 of 2015

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Surendra Kumar Mishra, son of Late Ram Chandra Mishra, resident of Village-Simri, P.S.- Bisphi, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Medical Education.
2. The Principal Secretary, Department of Medical Education, New Secretariat, Patna.
3. The Magadh University, through its Vice-Chancellor, Bodh Gaya.
4. The Vice-Chancellor, Magadh University, Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya.
6. The Controller of the Examination, Magadh University, Bodh Gaya.
7. The Principal, Dr. B.R. Ambedkar Institute of Dental Science & Hospital, Bailey Road, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Shailendra Kumar Jha, Advocate
For the State	:	Mr. Mrigendra Kumar, A.C. to G.A.4
For M.U.	:	Mr. Girijesh Kumar, Advocate
For Res. No.7	:	Mr. Anjani Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-07-2016

Heard counsel for the petitioner, counsel for the respondent no.7, counsel for the Magadh University as well as counsel appearing on behalf of the State.

2. Petitioner claims himself to be one of the students who had passed the final Bachelor of Dental Surgery Examination of 2005 in the month of April, 2006 from what is known as Dr. B.R. Ambedkar Institute of Dental Science & Hospital at Patna. His claim is that after completion of the course, he even interned which is mandatory but the respondents institute did not provide him Internship Certificate, he has been striving to get one since the year 2006 and finally having failed to

do so, he even approached the Controller of Examination, Magadh University, Bodh Gaya on 05.07.2014. He also again approached the Principal of the college in question but since nothing emerged, he has filed the present writ application.

3. The stand of the private respondent no.7 is that the petitioner has slept over his right only after a new regulation has come into place fixing a time frame of nine years for completion of Internship that the petitioner has woken up and has tried to make out a case of unfair treatment on part of the institution. He had passed the examination in the year 2006 no doubt but, he did not do his Internship with his batch or thereafter. In support thereof, they have annexed a Xerox copy of the attendance register of the candidates who had interned and have been given the benefit of Internship Certificate. So far as the petitioner is concerned, the register indicates blank pages, there is no entry against his name and this is because of the fact of the petitioner not interning under the respondent for whatever be the reason for him not to do so.

4. Counsel for the petitioner submits that there were unreasonable demands and because the petitioner could not afford to meet those demands, a created kind of attendance register has been produced as evidence. The attendance register has been recently created to defeat the right of the petitioner and the same cannot be relied upon as proof of the petitioner not having done his Internship.

5. The writ application of the petitioner is cursory,

assertion is cursory. The Court will not get carried away by the submission that the petitioner was striving for obtaining the Internship Certificate for almost ten years and there are no surrounding circumstances to show about his participation in the Internship otherwise even though circumstantial.

6. In these controversial circumstances and obvious laches and omission on the part of the petitioner for not having moved the authorities or the Court after 2006-2007, the Court will not be able to bail out the petitioner on the controversial circumstances specially when it is not an open and shut case where it can be inferred that the petitioner had interned and he has been wrongly refused or denied Internship Certificate. No person in the right senses will while away ten years of his valuable life after having earned a degree and that too professional one before standing up to fight for his right. Obviously there is something amiss even on the side of the petitioner in this regard.

7. No relief can be granted to the petitioner in the above stated circumstances. Writ is dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
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