

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15143 of 2015

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1. Rahul Deo, Son of Sri Ishwar Prasad, Resident of Mohalla Kalisthan, Hisua, P.S. Hisua, District Nawada.
 2. Kumar Ritesh, Son of Late Ramesh Prasad, Resident of Mohalla Kuawan, P.S. Bara Chakia, District East Champaran, PIN-845412.
 3. Harshita Rani, S/o Late Harendra Kumar, Resident of Mohalla D-103, P.C. Colony, Kankarbagh, P.S. Kankarbagh, Patna, Bihar, PIN-800020.
 4. Rahul Vicky, Son of Ashok Kumar, Resident of Mohalla Bari Pahari, Mansoor Nagar, Sohsarai, P.S. Sohsarai, District Nalanda, currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar-800001.
 5. Sumit Kumar Suman, Son of Sudhir Kr. Suman, resident of Mohalla Manserpur, Thana Ballia, District Begusarai, PIN-851211, current residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar-800001.
 6. Uma Kant Kumar, Son of Om Prakash Gupta, Village+P.O. Pratappur, P.S. Sandesh, District Bhojpur, PIN-802161, currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar-800001.
 7. Brajesh Kumar Pandit, Son of Suresh Pandit, Village Tilkar, Post-Keshrika Mathia, P.S. Ekma, District Chhapra (Saran), currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar-800001.
 8. Prashant Kumar, Son of Satish Kumar Nirala, resident of Mohalla Near Ramadhin College, Dakbanglaw, Girihinda, P.O. Sheikhpura, P.S. Sheikhpura, PIN-811105, currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur Patna, Bihar-800001.
 9. Rahul Kumar, Son of Suraj Prasad, Village Manoharpur, Post Sadaybigha, P.S. Virupur, Block Barahiya, District Lakhisarai, Bihar, PIN-811302, currently residing at Boy's Hostel, Chanakya National Law University, Nyaya Nagar, Mithapur, Patna, Bihar-800001.

.... Petitioners

Versus

1. The State of Bihar through its BC/EBC, Secretary, Secretariat, Patna, State-Bihar.
2. District Welfare Department, Gandhi Maidan, Patna, State-Bihar.
3. Chanakya National Law University through its Registrar, Bihar at Patna.

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Anil Kumar, G.P.23
		Mr. Lalan Kumar, A.C. to G.P.23
For the University	:	Dr. Anil Upadhyay, Advocate
		Dr. Anshuman, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 17-05-2016



Present writ application is a much ado about nothing. A smoke screen was sought to be created by these petitioners, through the present writ application, that the State Government is not honouring their own decision and resolution in granting financial benefit and support by paying the tuition fee and other such expenses as per their resolutions, seems to be based on a misunderstanding if not misreading of the resolutions which have been brought on record in the counter affidavit filed on behalf of the Secretary, EC/EBC Welfare Department, Government of Bihar as Annexure-A and B.

2. Counsel representing the petitioners reads the provisions, especially in Annexure-B, to mean that the State is bound to provide 100% tuition fee and other compulsory fee to the students of Chanakya National Law University, but only token amount have been paid to the extent of Rs.15,000/- which is not adequate for the students to meet the expenses of tuition fee and other compulsory expenses. They want a mandamus upon them to comply with their own resolution contained in Annexure-B dated 07.07.2014. It is misreading of the resolution to say the least. Tuition fee which is required to be provided even to these students has to be in conformity and at par with a government institution such as the Patna Law College where the fee is fixed and the same is also being paid to these petitioners.

3. Chanakya National Law University no doubt was established under the State Act but since it is a deemed University and has a special status, therefore, they cannot be given a special privilege of

payment of tuition fee fixed by them while imparting education in such specialized institution. Even otherwise there has to be some consistency and parity which is required to be maintained with other institutions and law colleges run by the State. Further keeping in mind the limited resources of the State, the circular has to be read in conformity with objective and cannot be misread to create a class amongst a class.

4. In the counter affidavit filed on behalf of the Secretary, he has categorically stated that the scholarship amount to these petitioners have already been paid and details of which are available as part of paragraph-7 of the counter affidavit.

5. There shall not be a windfall which these petitioners are looking for by way of 100% payment of the tuition fee which has been fixed by Chanakya National Law University for these students. They should be more than happy that at least there is a support system which meets their needs and requirement at a particular level which is not available to many other students studying in many an institution.

6. Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.05.2016
Transmission Date	