

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9068 of 2016

=====

Dipak Kumar Son of Guneshwar Prasad R/o 311A, Ashiana Tower, Exhibition Road, Patna, P.S- Gandhi Maidan, Distt Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
3. The Director, Science and Technology Department, Government of Bihar, Patna.
4. The Chairman, Bihar Private Technical & Professional Institutions Association (hereinafter Association) Corporate Office, G-102, Ranjeet Complex, Talpetra lane, Budh Marg, Patna-800001
5. Bihar Private Technical & Professional Institutions Association, Corporate Office G-102, Ranjeet Complex, Talpetra Lane, Budh Marg Patna-800001
6. The Bihar Combined Entrance Competition Exam Board (BCECE) I.A.S Bhawan, Pir Ali Marg, Patna through its Chairman.

.... Respondents

=====

Appearance :

For the Petitioner	:	Mr. P.K. Shahi, Senior Advocate Mr. Awadhesh Kumar Pandit, Advocate
For the State	:	Mr. Anil Kumar Sinha, G.A.1 Ms. Aditi Hansaria, A.C. to G.A.1
For BCECE Board	:	Mr. Vikas Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-09-2016

It is clarified for record that the present order has been passed in relation to the admission which is going on and is for the session 2016-17.

2. Writ application was filed seeking quashing of letter no.781, dated 13.03.2014, i.e., Annexure-2 to the writ application. By virtue of this communication, the private institutions, which have been set up in the State of Bihar to provide technical education, were asked to constitute an Association for conduct of examination on the basis of



which admissions could be facilitated. Since the petitioner's name did not figure in the said communication dated 13.03.2014, the writ application was filed alleging therein that the private colleges have formed an association and they have deliberately ganged up against the petitioner by not permitting his participation by enrolling him as a member of the said association.

3. The Court while hearing the matter earlier did give a direction upon the respondent authorities in terms of the order dated 24.05.2016.

4. The directive has ended up with a result in favour of the petitioner. However, the delay in the decision making by the concerned respondents including the Department of Science and Technology, Government of Bihar, does not help the petitioner because he cannot still take admission of students who have qualified in the examination held by Bihar Combined Entrance Competitive Examination Board.

5. From the counter affidavit filed on behalf of respondent nos.3 and 4, it is evident that after the declaration of the result for the year 2016, the counselling has already been started. The first phase of counselling is over and the second round of counselling is scheduled to begin from 19th of September, 2016. This has implications because if the prayer of the petitioner to be included as



one of the institution which can be permitted to take admission at this belated stage is accepted, there will be complete chaos and confusion since none of the students have given option with regard to the institution of the petitioner, for obvious reason. The institution cannot be now included and options be demanded from the students at this belated stage when the second round of counselling is going to begin in a few days.

6. The practical problem and the futility of such a direction is well understood even by the petitioner as well as the respondents. However, learned senior counsel for the petitioner submits that an option should be given to those students who have not taken admission on the basis of the counselling and the institution should be permitted to take admission on the basis of those list of qualified students and a list be given to the petitioner for contacting the students, if they are interested in taking admission.

7. The Court is not willing to permit such a deviation for many a reasons including the fact that if a modality is required to be adopted in terms of a directive issued by the Hon'ble Supreme Court earlier and based on that modality, admissions are being granted to the students by such institutions, merely because the institution in question will go without any students in this academic year an innovation is not required to be made since it will be a bad precedent.

8. No relief, therefore, can be granted in the above factual position in favour of the petitioner for participation in the left over counselling for admission of students.

9. Writ is dismissed.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.09.2016
Transmission Date	