

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Review No. 178 of 2017**

**Arising out of**

**Civil Writ Jurisdiction Case No. 13405 of 2016**

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1. Bihar Agricultural University through its Registrar having its Office at Sabour, Bhagalpur.
  2. The Vice Chancellor, Bihar Agricultural University at Sabour, Bhagalpur.
  3. The Registrar, Bihar Agricultural University at Sabour, Bhagalpur.
  4. The Director Administration, Bihar Agricultural University at Sabour, Bhagalpur.
  5. The Principal, Bihar Veterinary College, Patna.
  6. The Dean, Faculty of Veterinary Sciences, Bihar Veterinary College, Patna.

.... .... Petitioner/s

Versus

1. Dr. Raj Kishore Sharma, Son of Sri Arjun Prasad Sharma, Resident of Village- Sohjana, Police Station- Jhajha, District- Jamui.
2. Bihar Animal Sciences University, Patna through the Vice Chancellor.

.... .... Respondent/ Opposite Party/s

with

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**Miscellaneous Jurisdiction Case No. 1311 of 2017**

**Arising out of**

**Civil Writ Jurisdiction Case No. 13405 of 2016**

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Dr. Raj Kishore Sharma Son of Sri Arjun Prasad Sharma resident of Village Sohjana P.S. Jhajha, District Jamui.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Ajoy Kumar Singh, the Vice Chancellor Bihar Agriculture University at Sabaour Bhagalpur.
3. Dr. Ashok Kumar, the Registrar Bihar Agriculture University at Sabaour Bhagalpur.
4. Sri Bhupendra Kumar Singh, the Director Administration Bihar Agriculture University at Sabaour Bhagalpur.
5. Dr. Sachhidanand Samantaray, the Dean, Faculty at Veterinary Sciences Bihar



Veterinary College Patna.

.... .... Respondent/s

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**Appearance :**

(In C. REV. No.178 of 2017)

For the Petitioner/s : Mr. K. N. Singh, Sr. Advocate  
Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr. Sanjeev Kumar Mishra and  
Mr. Piyush Saurav, Advocates

(In MJC No.1311 of 2017)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra and  
Mr. Piyush Saurav, Advocates

For the State : Mr. Lokesh Kumar Singh, A.C. to A.A.G. 13

For the University : Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr. K. N. Singh, Sr. Advocate  
Mr. Shailendra Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 20-12-2017**

Heard Mr. K.N. Singh, learned senior counsel along with Mr. Shailendra Kumar Singh, learned counsel for the Bihar Agricultural University, Sabour in Civil Review No. 178 of 2017 and Mr. Sanjeev Kumar Mishra, learned counsel for the petitioner in M.J.C. No. 1311 of 2017.

2. Both the cases arise out of the judgment dated 04.04.2017 passed in C.W.J.C. No. 13405 of 2016, by which the Bihar Agricultural University was directed to pass order granting permission to the writ petitioner to pursue Ph.D course in the Department of Parasitology, Bihar Veterinary College, Patna as an in-service candidate for the ensuing session.

3. The review petition has been filed on the ground that



since the relevant statutes do not permit in-service pursuing of Ph.D course by a faculty member, the Bihar Agricultural University was finding it difficult to grant such permission to the petitioner on its own. However, due to subsequent development, the Bihar Agricultural University having been bifurcated into two entities and the new entity Bihar Animal Sciences University, which too has been impleaded as a party in the present proceedings, the service of the petitioner now comes under the jurisdiction and domain of the newly created Bihar Animal Sciences University.

4. In such view of the matter, another development relevant in the present case is that the Bihar Animal Sciences University has resolved to allow Ph.D programme for faculty of the University from the winter semester of the current academic year 2017-18 as in-service candidate and the admission of the writ petitioner is also slated to be taken up for the winter semester likely to commence from January.

5. In view of the aforesaid, as agreed, the cases stand disposed off with modifying the order dated 04.04.2017 in C.W.J.C. No. 13405 of 2016, to the extent that the direction to issue necessary orders granting permission to the petitioner to pursue Ph.D course in Bihar Veterinary College, which now falls under the Bihar Animal Sciences University, as an in-service candidate for the ensuing



session shall apply to the Bihar Animal Sciences University. It is expected that appropriate orders would be passed in light of what has been recorded in this order in time so as not to delay or frustrate the cause of the writ petitioner.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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