

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10183 of 2016

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1. Akash Kumar Singh Son of Sri Anand Singh, Resident of S.N.S. Mension, Main Road, Kankarbagh, Police Station - Kankarbagh, Patna 20.
 2. Ravi Shankar Mishra, Son of Shri Nunu Mishra, Resident of Village - Turkauliya, Police Station - Bathnaha, District - Sitamarhi.
 3. Pappu Kumar Sah, Son of Shri Jagdeo Sah, Resident of Gautampur - 8 Sansuri, Police Station - Gautampur, Nepal.
 4. Smiti Kumari, Daughter of Shri Saryu Prasad Resident of Karkayan, Police Station - Goshwar, District - Patna.
 5. Gobind Kumar, Son of Shri Sunil Kumar Choudhary, Resident of Village - Rampur Jalalpur, Police Station - Dalsighsarai, District - Samastipur.
 6. Ratnesh Kumar, Son of Manohar Sharma, Resident of Village - Khesrahi, Police Station - Patepur District - Vaishali.
 7. Ankita Mani, Daughter of Dr. Ajay Kumar Sharan, Resident of Srikrishna Vihar Colony, Police Station - Beur, District Patna - 2.
 8. Anand Jaikishan, Son of Jainandan Prasad Singh, Resident of Village - Nimi, Police Station - Shekhopur Sarai, District Shivhar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Vice - Chancellor, Magadh University, Bodh Gaya, Gaya.
3. The Registrar, Magadh University, Bodh Gaya, Gaya, Bihar. 4. The Controller of Examination, Magadh University, Bodh Gaya, Gaya, Bihar.
5. The Secretary, Human Resources Development Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna - 8000001.
6. The Deputy Secretary, Department of Health, Bihar, Patna.
7. Indian Insitute of Health Education and Research Health Institute Road (Near Central Jail) Beur, Patna through its Managing Director.
8. The Principal Indian Institute of Health Education and Research Health Institute Road (Near Central Jail) Beur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Mahasweta Chatterjee
For the Respondent/s : Mr. Anjani Kumar, AAG-4
Fop Magadh University : Dr. Kumar Amitesh Chandra
For RCI : Mr. Anshuman Singh, Advocate
For Respondent No.8 : Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

18 13-07-2017

There are certain facts, which are not in dispute.



The petitioners have been admitted to following courses in Indian Institute of Health Education and Research, Beur, Patna:-

- i. Petitioner No.1 (Bachelor n Prosthetic and Orthotic) Session 2014-18.
- ii. Petitioner No.2 (Bachelor in Audiology Speech Language Pathology) 2013-17.
- iii. Petitioner No.3 (Bachelor in Medical Radio Imaging Technology) 2014-17.
- iv. Petitioner No.4 (B.Ed. Special Education) one year course 2014-15.
- v. Petitioner No.5 (Bachelor in Ophthalmology) 2014-18.
- vi. Petitioner No.6 (Bachelor in Medical Lab Technician) 2014-17.
- vii. Petitioner No.7 (Bachelor in Ophthalmology) 2013-17.
- viii. Petitioner No.8 (Master of Physiotherapy) 2013-15."

It is claimed by the petitioners, which has been supported on behalf of the Institute that the Institute has affiliation to run various Para Medical Courses, granted by Magadh University, Bodh Gaya.

What has emerged on the basis of pleading on record and submissions advanced on behalf of the parties that Ordinances for running courses in which these petitioners have been admitted in the Institute ,except Petitioner No.6, have not been approved by the



Chancellor of the Universities of the Bihar.

The Court fails to understand, when the Ordinance was not approved by the Chancellor for conducting the courses, the Institute could allow admission for such courses.

The petitioners seek direction to the respondents to conduct examination of the courses of which they are students. Since except petitioner No.6, all the petitioners have been admittedly admitted to courses, which does not have due approval by the Chancellor, no such direction can be issued in the present proceeding.

This application to the extent it relates to Petitioner Nos. 1 to 5,7 and 8 is accordingly, dismissed.

Petitioner No.6 is said to have been admitted in the course, viz., 'Bachelor in Medical Laboratory Technology (MLT)'. This is not being disputed that the ordinance for running the said course has been approved by the Chancellor.

Accordingly, the University is directed to conduct examination of the said course and publish result thereafter, within a period of six months from the date of receipt/production of a copy of this order.

It is, however, indicted that before permitting the



students of the Institute, to appear for the examination, the University will have to satisfy itself that the Institute has due affiliation in accordance with the provisions of Bihar State Universities Act, 1956, duly approved by the State Government.

This application stands disposed of with the observations and directions as above.

(Chakradhari Sharan Singh, J)

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