

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1648 of 2013
IN
Civil Writ Jurisdiction Case No. 16484 of 2009**

- =====
1. The Vice Chanellor, Rajendra Agriculture University, Bihar, Pusa, Samastipur.
 2. The Pradhyapak (Udhyan) National Horticulture, Mission, Rajendra Agriculture University, Pusa Samastipur.
 3. The Registrar, Rajendra Agriculture University, Bihar, Pusa, Samastipur.
 4. The Controller, Rajendra Agriculture University, Pusa, District- Samastipur.
 5. The Principal, Bihar Agricultural College, Sabour, Bhagalpur.

.... Appellant/s

Versus

1. Priyatosh Kumar Priyadarshi S/O Shri Indra Deo Singh Resident of Mohalla Anandgarh Colony, P.S- Tilka Manjhi, District- Bhagalpur.
2. The Union of India, through its Secretary, Ministry of Agriculture New Delhi.
3. The Assistant Secretary (Bagwani) Ministry of Agriculture, New Delhi.
4. The State of Bihar, Through the Director State Horticulture Mission, Bihar Vikas Bhawan, New Secretary, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Mohan Singh, Advocate
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 08-03-2017

Delay of 101 days in moving the appeal is condoned.

I.A. No. 9024 of 2013 is allowed. The Court takes up the appeal thereafter on merits.

2. Vide order dated 07.08.2012, learned Single Judge allowed the writ application of private respondent and directed the Registrar of the Rajendra Agriculture University, Pusa, Samastipur to grant diploma of Supervisor Training Programme in Horticulture



under the National Bagwani Mission. It also quashed the order dated 28.08.2009 by which such a demand was rejected.

3. Submission of the counsel for the University is that a decision was taken by the University as well as the Board of Studies that on completion of such training under the Mission only a certificate was required to be issued and not a diploma. The direction to issue diploma by the learned Single Judge, therefore, need to be interfered with, if not set aside.

4. The learned Single Judge has taken into consideration the scheme, the provision as well as the object behind grant of such diploma. He has come to the conclusion in following terms, which reads as under:

“In view of the consideration of the rival submissions, this Court is of the considered opinion that once the implementation of the Mission has been accepted by the University without any modification at the relevant time, the requirement was to grant diploma to the concerned supervisor trainee specially since it was not advertised vide Annexure B to the counter affidavit that the concerned training would lead to grant of certificates only whereas the guidelines of the Mission clearly lay down that the completion of training of supervisor would



lead to grant of diploma. So far the technical objection raised by the RAU is concerned, it is well settled principle that the technicality should not come in way of doing full justice.

Accordingly, in my opinion, the impugned order as contained in Annexure-1 cannot be sustained in law and the same is set aside.

The respondent-University is directed to take a fresh decision regarding grant of diploma to the petitioner in view of the aforementioned observations of this Court within a period of four weeks from the date of receipt/production of a certified copy of this order. If for such purpose some formalities are required to be done then it should be done in accordance with law as, in the opinion of this Court, the University cannot take a stand that though it had accepted the course for imparting training for the supervisors for grant of diploma, however, the same cannot be granted because the University has faulted in not drawing the required scheme framed by the Board of Studies through the Vice Chancellor or through the Academic Council. For all the aforesaid purposes, the petitioner cannot be held to have committed



any error or fault rather the University would have to be held to be responsible.”

5. The decision of the learned Single Judge, therefore, are based on sound reasoning as well as the object behind conduct of such training programme under the Mission and the rules, which were supposed to come in the way of such grant of diploma, have also been well considered and dealt, if not interpreted.

6. In view of the same, the order of the learned Single Judge does not require to be interfered with. The appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
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