

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1264 of 2013
IN
Civil Writ Jurisdiction Case No. 10607 of 2006

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Smita Verma, Daughter of Girija Nandan Prasad, Resident of C/o Shri G.K. Sinha,
Bank Colony, Kokar, Ranchi.

.... Appellant

Versus

1. L. N. Mithila University, Darbhanga through the Vice-Chancellor.
2. The Vice-Chancellor, L.N. Mithila University, Kameshwarnagar, Darbhanga.
3. The Controller of Examination, L.N. Mithila University, Kameshwarnagar, Darbhanga.
4. The Principal, S.M. Zaheer Alam Teacher's Training College, Bahera, Darbhanga.
5. The Regional Director, National Council for Technical Education, Bhubneshwar.
6. Sayed Sadik Akhtar, Son of Syed Shemsuddin, Resident of Aliganj, Road No.22, Gaya, District Gaya.
7. Mohammad Abdul Hakim, Son of Md. Kalimuddin, Resident of Village Jaipur, P.O. Rahmandih, P.S. Dhoraiya, District Banka.
8. Md. Alsm, Son of Md. Tufail Ahmad, Resident of Post Amwa Kalan Via Piprahi, District Sheohar.
9. Kumari Rakhi Mandal, Daughter of Amar Nath Mandal @ Ananth Mandal, Resident of Village Panjania, P.S. Nala, Via Nala, District Jamtara.
10. Vimal Prasad Mandal, Son of Arjun Prasad Mandal, Resident of Village and P.O. Auria, P.S. Barahat, District Banka.
11. Wazda Tabassum, Wife of Md. Khalia Ansari, Resident of Mohalla Maulaganj, P.O. Lalbagh, P.S. Laheriasarai, District Darbhanga.

.... Respondents

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Appearance :

For the Appellant	:	Md. Faiz Ahmad, Advocate
For NCTE	:	Mr. Kumar Brijnandan, Advocate
		Mr. Tarees Hameed, Advocate
For the University	:	Mr. A. B. Sinha, Advocate

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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: 06-02-2017

There were seven petitioners originally in CWJC
No.10607 of 2006. The present appellant was petitioner no.7. They all
jointly moved the Writ Court for a direction upon the respondent



authorities of L.N. Mithila University to publish the result of Bachelor of Education for the session 2004-05 held in the month of March, 2006 as the same was pending.

2. The innocuous kind of prayer made by the petitioners in the Writ Court has yielded a can of worms, which would be evident from reading of the impugned judgment of the learned Single Judge. It is a rather detailed one and it is the said order dated 19.12.2012, which is under challenge by the present appellant, namely, Smita Verma.

3. The institution in question, namely, S.M. Zaheer Alam Teacher's Training College, Bahera in the district of Darbhanga has had an unsavory past and controversies have been dogging the institution for many a reasons. The Court has reasons to observe as above because of the series of litigations, which have travelled to this Court some of which also related to the control of the institution for which two brothers have been carrying on legal battle from the lowest to the highest forum.

4. When the learned Single Judge started hearing the matter on the issue of publication of the results for the B.Ed. session 2004-05, many uncomfortable facts started coming on record. These primarily related to the manner in which this appellant along with the other six petitioners of the Writ Court came to gain admission in the said course in the college with due manipulation and connivance of



the college. The enquiry was not limited to the University but even an enquiry was held by the Regional Director of National Council of Teacher's Education under whose jurisdiction the college in question comes. An affidavit was also filed on behalf of the NCTE and the finding, which emerges from the affidavit and the enquiry has been crystallized in paragraph-25 of the order of the learned Single Judge. The same is reproduced for record:

"25. With the aforementioned findings, the Regional Director, NCTE had gone to record his following observations and conclusions:-

"Comments: Taking the above facts into consideration, the following points are observed:

1. The institution during the admission process committed gross irregularities and admitted seven students unlawfully.

*2. Since the Institution neither cooperated with the inquiry committee of the NCTE nor with the inquiry committee of the University by not providing the required documents sought for the required documents related to admission of the students for the session 2004-05, it violated the clause 14 of the Regulation- 2009 which states as follows: "**The institution shall make the information or documents available to the National Council for Teacher Education or its authorized representatives as and when required by them. Failure to produce or show any of the required documents, shall be treated as a breach of the conditions of recognition**".*

*3. On the basis of the above facts, this also appears that the institution has violated clause 15 of the NCTE regulation-2009 by not maintaining records, registers and other documents properly which are essential for running of an educational institutions. The regulations says as follows: "**The Institution shall maintain records or registers and other documents etc., which are essential for running of an educational Institution especially those prescribed in the relevant norms and standards and guidelines or instructions or rules etc., of the Central or State or Union Territory Governments, affiliating or examining bodies**".*

4. Instead of facilitating the inquiry committees of the ERC/University, the institution's authority misbehaved with them which is ethically immoral and any law does not permit to do so.

5. Hence it is prima-faci contravention of provisions of the NCTE Act/Regulations.

(underlining for emphasis)"



5. With all these evidence and material in the manner in which admission was obtained or granted by the institution to the petitioners, before the Writ Court, including the present appellant, the Court refused to give any direction for declaration of results. What is mired in controversies and deceit of the kind practiced by the institution with the connivance of the petitioners of the writ as they were the beneficiaries, the University decided to annul the result, which was published as an ad interim measure when the initial proceeding was initiated through the writ. This decision of the University has been held to be correct and valid and the dismissal of the writ application refusing to grant relief to the petitioners is the cause of action for the present appellant to file the Letters Patent Appeal.

6. What has been reproduced in paragraph-25 is just a sample in the manner the institution tried to evade any enquiry in the admission which was granted by the institution and how the University was misled about their claim of being bona fide students. There are more findings and more observations, which has not been reproduced for brevity which leads to only one conclusion that the University had no obligation to declare the result of any of these candidates whose admission was not approved, authorized or permitted by NCTE. These are candidates who managed to smuggle their way into the college with active connivance of the institution in



question.

7. Law has not been created to help the wrong doers and come to their rescue by giving a seal of judicial approval so that they have the last laugh at the system. The finding being rather serious in nature, which has emerged from different kinds of enquiry held by the University as well as NCTE, the learned Single Judge was left with no option but to refuse the relief even though an effort was made to rely on the principle of the Hon'ble Apex Court rendered in the case of Shri Krishan v. The Kurukshetra University, Kurukshetra, reported in AIR 1976 SC 376.

8. Counsel for the appellant through clever piece of advocacy tried to create a doubt that the name of this appellant did not figure in the enquiry and that even her roll number did not figure in the enquiry. This is being done on purpose to show that she is an innocent victim and, therefore, her case should be treated differently from the rest.

9. The Court has gone through the entire records very carefully, which have been brought on record in the memo of appeal by the appellant herself. There was some confusion, not with regard to the University roll number 836 but of the admission roll number of the college, which was initially reflected in the enquiry but clarity has emerged as the enquiry progressed. The roll number of the University is linked with the name of the present appellant and she has been



identified to be one of the beneficiaries along with the other six to have gained admission illegally, therefore, such advocacy cannot come to the rescue of the appellant in the face of predominant material and evidence as to who the culprits are and who are the beneficiaries who have gained out of such admission.

10. The matter must rest as it is. No interference is warranted with the decision of the learned Single Judge who to his credit has given a patient and detailed hearing on the issue before he came to a conclusion that it was not a fit case where a direction ought to be issued for publication of result and the cancellation of the said publication subsequently by the University was not required to be interfered with, so that undue advantage could be taken by the petitioners in the writ application.

11. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	AFR
CAV DATE	NA
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