

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4883 of 2017

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1. Dayaynand Ayurved College & Hospital, Siwan, P.S.-Town, District-Siwan through its Principal.
 2. Principal, Dr. Prajapati Tripathi, Son of Late Gangadhar Sharma, at Present residing at the Campus of Dayanand Aurved College & Hospital, Siwan, P.S.-Town, District-Siwan.
 3. Vivek Sharma, Son of Dr. J. Sharma, Resident of Dhanwantari Hospital Colony, Sasaram, P.S.-Sasaram Mufassil, District-Rohtas.
 4. Kishlay Kishore, Son of Dr. B. Upadhayay, Resident of Rupa Mahadeva, Siwan, P.S.-Siwan Town, District-Siwan.
 5. Nagendra Sharma, Son of Pradeep Sharma, Resident of Village-Vasant Vihar, P.S.-Vasant Vihar, New Delhi.
 6. Ranjeet Kumar Mishra, Son of Digambar Nath Mishra, Resident of Village-Maharajganj, Jamui, P.S.-Jamui, District-Jamui.
 7. Shudhanshu Shekhar, Son of Dr. S.M. Mishra, Resident of Village-Kankarbagh Colony, P.S.-Kankarbagh, District-Patna.

.... Petitioner/s

Versus

1. Honble the Chancellor of the Universities, Bihar.
2. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar.
3. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University.
4. The State of Bihar, through the Principal Secretary, Department of Health.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Adv.
Mr. Vikas Kumar, Adv.
Mr. Prabhat Kr. Singh, Adv.



For the University : Mr. Awadhesh Pd. Sinha, Adv.

For the Hon'ble Chancellor : Mr. Rajendra Kr. Giri, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 18-05-2017

This writ application has been filed, under Article 226 of the Constitution of India, seeking direction to the respondents, more particularly the Kameshwar Singh Darbhanga Sanskrit University, Darbhanga (*hereinafter referred to as the 'University'*), to hold and conduct examination of the petitioners of post-graduate course in Ayurved (Kayachikitsa and Dravyaguna) right from the Academic Session 2013-14, and to publish result thereafter.

2. The application has been filed on behalf of the Dayanand Ayurved College & Hospital, Siwan and five students of the said College, asserting that the Government of India has accorded permission for opening of post-graduate course in two subjects, namely, (i) *Kayachikitsa* and (ii) *Dravyaguna*, with four seats in each course from the Session 2013-14.

3. From the materials on record, it appears that the Senate and Syndicate of the University have approved these courses and the University has framed Ordinance and Regulations for the purpose of conducting said courses, which



is to be approved by the Officer of the Chancellor, whereafter, only such Ordinance and Regulations can be made effective.

4. It also transpires that the University has sought for approval of the said ordinance and Regulations, framed by them, for conducting the said courses from the Office of the Chancellor.

5. A counter affidavit has been filed on behalf of the Chancellor, Universities of Bihar, stating therein that meeting of the Advisory Committee in Chancellor's Office was held on 21.01.2017 to deliberate on the proposal made by the University for approval of the Ordinance and Regulations. The decision of the Syndicate on the Ordinance and Regulations was, however, not made available to the Office of the Chancellor. Subsequently, the said decision of the Syndicate, along with Regulations, has been made available to the Office of the Chancellor. There is specific statement in paragraph 5 of the counter affidavit that the decision of the Syndicate, produced before the Office of the Chancellor, has been found in order. It is stated in paragraph 6 of the said counter affidavit, with respect to permanent approval from Sessions 2017-18 onwards, that once the University informs the Chancellor Secretariat about removal of the shortcomings in their proposal, the Chancellor shall consider for according permanent approval. However, in relation to previous



Sessions, it has been stated in the counter affidavit that if the University sends a proposal for Transitory Ordinance and Regulations for those proposals, the same shall be considered.

6. Considering the facts and circumstances, I dispose of the writ application with a direction to the University to comply with the requirements of any communication made from the Office of the Chancellor, in this regard. Even, if there is no communication from the Office of the Chancellor, it is directed that the University shall take all necessary steps, within a period of one (1) week from the date of receipt/production of a copy of this order, to ensure that all relevant documents/materials are made available to the Office of the Chancellor for the purpose of grant of permanent approval of Ordinance and Regulations, framed by the University, and for approval of Transitory Regulation in relation to previous Academic Sessions, starting from the Academic Year 2013-14.

7. Considering the admitted position that P.G. course in the said two subjects, namely, (i) *Kayachikitsa* and (ii) *Dravya Gun*, has been started in the College, in question, after Government of India has accorded its permission in the year 2013, the Court expects that the Office of the Chancellor shall proceed for expeditious decision on the question of approval of Ordinance/Recognition for permanent approval of



the said course and for approval of Transitory Regulations. The Court also expects that the entire exercise shall be completed within a period of three (3) weeks from the date when the University completes its formalities, as indicated above, by making available documents/information to the Office of the Chancellor for this purpose.

8. Once, the Ordinance and Regulations/Transitory Regulations are approved, the University shall be required to expedite holding of the concerned examination.

9. With the aforesaid observations, this application stands disposed of.

10. Let the original records, produced before this Court in compliance of the order, dated 09.05.2017, be returned to learned counsel appearing on behalf of the Chancellor, Universities of Bihar.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18/05/2017
Transmission Date	

