

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.282 of 2016

In
Civil Writ Jurisdiction Case No. 24390 of 2013

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1. The Vice- Chancellor, Aryabhatta Knowledge University, CNLU Campus, Near Bus Stand, Mithapur, Patna- 1
 2. The Registrar, Aryabhatta Knowledge University, CNLU Campus, Near Bus Stand, Mithapur, Patna- 1

.... Petitioners

Versus

1. Satyendra Sharma, son of Shri Baijnath Sharma, Resident of village + P.O.- Ekwari, P.S.- Sahar, District- Bhojpur, At present C/o Ram Chandra Prasad, Road No. 9a, Ashok Nagar, Kankarbagh, District- Patna
2. The State of Bihar through the Secretary, Department of Higher Education, Government of Bihar, Patna
3. The Secretary, Department of Higher Education, Government of Bihar, Patna
4. Shri Balwant Singh S/o not known to the petitioner, Assistant Controller of Examinations, Aryabhatta Knowledge University, CNLU Campus, Near Bus Stand, Mithapur, Patna- 1

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the Respondent/s : Mr. Sanjay Kumar Giri, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 16-08-2017 Heard learned counsel for the petitioners and learned counsel for the respondents.

2. Learned counsel for the petitioners submits that this Court vide order dated 05.05.2016 passed in C.W.J.C. No.24390 of 2013 has directed the University to issue admit card under the



impression that the same was not issued on account of pendency of the writ application. He further submits that though information was given to the respondent no.1-original writ petitioner about non-issuance of admit card on account of pendency of the writ application, but in fact the application of the original writ petitioner along with 26 persons were rejected arriving to a finding to be ineligible. In such circumstance, when his application itself was rejected by the University, the question of issuance of admit card does not arise.

3. Whereas, learned counsel for the original writ petitioner-respondent no.1 submits that when the University had taken recourse for appointment for the first time he was found to be eligible, but in the second time for the reasons best known to the University, declared his application to be ineligible.

4. This issue was not subject matter of C.W.J.C. No.24390 of 2013, but merely the issue was non-issuance of admit card on account of pendency of the writ petition before this Court. If the application of original writ petitioner was declared ineligible much earlier, rightly learned counsel for the petitioner submits that the question of issuance of admit card does not arise. Accordingly, the order dated 05.05.2016 now has lost its



relevance in view of the facts mentioned hereinabove. However, respondent no.1-Satyendra Sharma, who was the writ petitioner has liberty to challenge the action of the University about holding his application to be ineligible, if he so advised.

5. With these clarifications, this Review Application is allowed.

(Shivaji Pandey, J)

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