

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2206 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 5486 of 2016

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Dr. Kumar Nandan, S/o Baidyanath Prasad, R/o Mohalla - Anandpuri Colony,
Nayachak, Ishakchak, Mirjanhat Road, P.S. - Ishakchak, Town & Distt - Bhagalpur.

.... Appellant/s

Versus

1. The T. M. Bhagalpur University, Bhagalpur through its Registrar.
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Pro Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
4. The Registrar, T.M. Bhagalpur University, Bhagalpur.
5. The Examination Controller, T.M. Bhagalpur University, Bhagalpur.
6. The Head University Deptt. of Chemistry, T.M. Bhagalpur University, Bhagalpur.
7. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
8. The Director, Higher Education Department, Government of Bihar, Patna.
9. The Hon'ble Chancellor of Universities, Raj Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Purushottam Kumar Jha, Advocate

For the University : Mr. Anjani Kumar, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate

For the State : Mr. Amarendra Kumar, A.C. to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

C.A.V. JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-07-2017

Seeking exception to an order dated 21.11.2016 passed by the learned Writ Court in C.W.J.C. No. 5486 of 2016 this appeal has been filed under Clause 10 of the Letters Patent.

2. The learned Writ Court has directed the Vice Chancellor of the University to pass a speaking order with regard to the status of the appellant and his enrolment as a pre-Ph.D candidate after taking note of the UGC Regulation of 2009 and challenging this order granting liberty to the Vice Chancellor to pass the order, the writ appeal has been filed.

3. However, now from the appellant's own showing, as is evident from the supplementary affidavit filed, the Vice Chancellor has gone into the issue in question and by a detailed order passed, as is contained in Annexure-1 to the Interlocutory Application, has rejected the case of the appellant for various reasons, as are indicated therein.

4. Once the Vice Chancellor of the University on 06.02.2017 vide Annexure-1 has considered the claim and taken a decision and the order passed in the writ petition on 21.11.2006 stands complied with, this writ appeal has been rendered infructuous and the appellant is now required to challenge the order Annexure-A



passed by the Vice Chancellor on 06.02.2017.

5. Learned counsel argued that earlier also when the appellant had approached this Court, the matter was remanded back to the Vice Chancellor and again when the appellant approached this Court instead of deciding the issue, the matter was again remanded back to the Vice Chancellor, which was not proper and, therefore, this aspect of the matter should be looked into.

6. We are of the considered view that once the learned Writ Court taking note of the issue involved, directed the Vice Chancellor to look into the matter and the Vice Chancellor, after having taken note of the same, has passed a detailed order, we see no reason to make any indulgence now into the order passed by the Writ Court which already stood complied with by the Vice Chancellor. Merely because the learned Writ Court thought it appropriate to remand the matter back to the Vice Chancellor in exercise of its discretionary jurisdiction under Article 226 of the Constitution, we see no reason to make any indulgence into the matter as canvassed by the counsel for the appellant. In case the appellant has any grievance with regard to the manner in which the order has been passed by the Vice Chancellor, appellant is at liberty to challenge the order passed by the Vice Chancellor afresh in accordance with law.

7. With the aforesaid liberty to the appellant, we dispose



of the Letters Patent Appeal.

(Rajendra Menon, CJ)

Anil Kumar Upadhyay, J I agree.

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	25.07.2017
Uploading Date	31.07.2017
Transmission Date	

