

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3261 of 2014

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1. Dr. Kaushal Kusum Son Of Sri Bankeshwari Prasad Resident Of Village-
Porha, P.S.- Manpur, District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. Commissioner Cum Secretary, Department Of Personal And
Administrative Reforms, Govt. Of Bihar, Patna
3. Principal Secretary, Department Of Animal Husbandary And Fishries,
Govt. Of Bihar, Patna
4. Director, Animal Husbandary, Bihar, Patna
5. District Magistrate, Nalanda
6. Sub-Divisional Officer, Bihar Sharif, District- Nalanda
7. Block Development Officer, Bihar Sharif, District- Nalanda
8. Circle Officer, Bihar Sharif, District- Nalanda
9. Rajendra Agriculture University, Pusa, Samastipur Through The
Registrar Rajendra Agriculture University, Pusa, Samastipur, Bihar
10. Vice Chancellor, Rajendra Agriculture University, Pusa, Samastipur,
Bihar
11. Registrar, Rajendra Agriculture University, Pusa, Samastipur, Bihar
12. Director, Research Instruction Cum Dean, Post Graduate Studies,
Rajendra Agriculture University, Pusa, Samastipur, Bihar
13. Principal Cum Dean, Bihar Veterinary College, Patna
14. Registrar, Indian Veterinary Research Institute, Isst Nagar, U.P.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyamnandan,
With Mr.Pramod Kumar

For the Respondent/s : Mr. Arvind Kumar Sinha, AC to SC-14

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 22-08-2017 Following is the relief sought on behalf of the
petitioner in the present writ application:-

(a) By issue of an appropriate writ the
respondents be directed/commanded to grant/hand
over original degree of M.V.Sc. as well as Gold
medal to the petitioner forthwith.



(b) By issue of an appropriate writ the respondents be directed/commanded to hand over P.H.D. degree to the petitioner forthwith.

(c) By issue of an appropriate writ the respondents be directed/commanded to return/refund Rs. 5235/- to the petitioner forthwith which was recovered from the petitioner.

(d) By issue of an appropriate writ the order dated 19.7.2004 be declared illegal and the same be quashed.

(e) by issue of an appropriate writ the respondents be directed/commanded not to harass or victimize the petitioner in any manner and they be further restrained from removing or terminating the petitioner.

(f) By an ad-interim order the reliefs prayed for above be granted to the petitioner during the pendency of this writ application.

(g) Any other relief or reliefs which the petitioner be found entitle to be granted to him.”

2. When the matter was taken up on 06.03.2014, it was directed to be listed after disposal of LPA No. 309 of 2010. Said LPA No. 309 of 2010 was preferred by the petitioner against judgment and order of this Court, dated 22.12.2009, passed in CWJC No. 12708 of 2004 (Dr. Kaushal Kusum Vs. State of Bihar and ors). The LPA No. 309 of 2010 has been dismissed by



judgment and order of this Court, dated 25.04.2016, records of which are available. Relevant portion of LPA's decision is being reproduced herein below:-

- “22. Suffice to say that these certificates were obtained after the judgment of the learned single Judge, they inspire no confidence at all. Those certificates were never placed before learned single Judge, having been obtained after the judgment. There being a finding of fact of the Sub-Divisional Officer/Sub Divisional Magistrate, we would not interfere in it.
23. Thus, having taken advantage of the sympathy shown by the learned Single Judge in the second writ petition, by which the academic achievements were preserved and protected writ petitioner/appellant chose to challenge what he had conceded in the first writ petition.
24. Having considered the matter in detail. For the reasons noted above, we find the challenge unsustainable. This appeal is, accordingly, dismissed.
25. However, we would like to clarify that the academic achievements secured by the writ petitioner/appellant would remain intact and valid for all purposes, but for no other purpose, may it be for seeking privilege in job or any other privilege. The writ petitioner/appellant



would not be entitled to use his caste certificate, as being Scheduled Caste, in any other manner and no benefit would accrue to him in this regards. Any benefit of service or otherwise taken on the basis of the Scheduled Caste certificate would consequently stand withdrawn.”

3. During the pendency of LPA, it appears that petitioner had preferred review application seeking review of the decision of the Single Judge in CWJC No.12708 of 2004, which had given rise to Civil Review No. 250 of 2012. The review petition also came to be dismissed by this Court by judgment and order, dated 18.09.2013. It is not difficult to notice that order, dated 19.07.2004, quashing of which has been sought in the present proceeding was put to challenge in CWJC No. 12708 of 2004 also, which plea was rejected. By the said order, dated 19.07.2004, caste certificate issued in favour of the petitioner of him belonging to Scheduled Caste was cancelled. The relief sought in the present proceeding to that extent cannot be sustained.

4. So far as other relief sought, in the present writ petition is concerned, in my view, the same has to now abide by the Division Bench of this Court, dated 24.05.2016 passed in



LPA No. 309 of 2010, relevant portion of which has been quoted above. What has been said by the Court is that academic achievements secured by the writ petitioner shall remain intact and valid for all purposes but not for the purpose of seeking privilege of job or any other privilege.

5. The writ application is disposed of accordingly, in terms of Division Bench decision of this Court as noted above.

6. I. A. No. 4776 of 2017 also stands dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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