

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5034 of 2017

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Rajeev Ranjan Son of Jay Kishor Sah, Resident of Nandtola, Nehru Chauk,
P.O.- Chapra, P.S.- Chapra Town, District- Chapra Petitioner

Versus

1. Jai Prakash University, Chapra through its Registrar.
 2. The Vice Chancellor, Jai Prakash University, Chapra.
 3. The Registrar, Jai Prakash University, Chapra.
 4. The Controller of Examination, Jai Prakash University, Chapra.
 5. The Principal, D.B.S.D.D. College, Rampur (Kadna), Garkha, Chapra.
- Respondents

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Civil Writ Jurisdiction Case No. 5377 of 2017

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Sahastranshu Kumar Pandey, Son of Shri Sampurna Nand Pandey, Resident
of Village-Saikee, Saiki, P.O. Kewani, P.S. Garkha, District-Chapra

... .. Petitioner

Versus

1. Jai Prakash University, Chapra, through its Registrar.
 2. The Vice Chancellor, Jai Prakash University, Chapra
 3. The Registrar, Jai Prakash University, Chapra,
 4. The Controller of Examination, Jai Prakash University, Chapra
 5. The Principal, D.B.S.D.D. College, Rampur (Kadna), Garkha, Chapra
- Respondents

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Civil Writ Jurisdiction Case No. 5518 of 2017

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Raushan Raj, Son of Shri Krishna Kumar Singh, resident of village - Karma,
P.O. Siaruwa, P.S. Sanjhauli, District – Rohtas Petitioner

Versus

1. Jai Prakash University, Chapra through its Registrar
 2. The Vice Chancellor, Jai Prakash University, Chapra
 3. The Registrar, Jai Prakash University, Chapra
 4. The Controller of Examination, Jai Prakash University, Chapra
 5. The Principal, D.B.S.D.D. College, Rampur (Kadna), Garkha, Chapra
- Respondents

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Appearance :

(In all cases)

For the Petitioner/s	:	Mr. Abhinav Srivastava
For the Respondent/s	:	Mr. Anjani Kumar, Sr. Adv. Mr. Nagendra Kumar Singh
For the Vigilance	:	Mr. Ramakant Sharma, Sr. Adv.
For Respondent No. 5	:	Mr. Gyan Prakash

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date : 05-09-2017



Heard learned Counsel for the petitioners and learned Senior Counsel representing the respondents.

2. These cases were heard at length and facts of the cases have been dealt with in the order, dated 07.07.2017.

3. The petitioners claim to be students of Devraha Baba Sridhar Degree College, Rampur (Kadna), Garkha, Saran at Chapra (hereinafter referred to as the “College”). These applications, under Article 226 of the Constitution of India, have been filed seeking a direction to the Jai Prakash University, Chapra (hereinafter referred to as the “University”), for issuance of the results and mark-sheets of the petitioners of Bachelor of Arts, Science and Commerce (Hons.) Examination, held by the University in the month of November, 2015.

4. It is the case of the petitioners that they had appeared for Part-I Examination, held in the month of September, 2013, and Part-II Examination, held in the year 2014, by the University and they have been declared pass in Part-I and Part-II Examinations and mark-sheets have been issued by the University in that regard. Original admit cards and the mark-sheets of the respective petitioners have been produced before this Court by the learned Counsel for the petitioners.



5. The petitioners appeared in Part-III Examination in the year 2015 and it is their claim that they learnt that they had passed the said examination, but it is their grievance that the University is not issuing their results and the mark-sheets. This is the background in which the present writ applications have been filed.

6. A counter affidavit was filed on behalf of the University, stating therein that upon examining the case of the petitioners, the University learnt that the registration numbers of the petitioners, as claimed by them, were wrong and it was also found that the petitioners were admitted by the College beyond the sanctioned strength.

7. On perusal of the original documents, which have been produced by learned counsel for the petitioners, it appears that registration numbers of these petitioners, for Part-I and Part-II Examinations, have been mentioned in their respective admit cards as follows:

Names	Registration Nos
1. Rajeev Ranjan	1215602595
2. Sahastranshu Kumar Pandey	1215602161
3. Raushan Raj	1215600844

8. In the admit cards, issued for Part-III Examination, held in the year 2015, against registration numbers, “REGNA” has been mentioned, which possibly means “Registration Not Available”.



9. Seeing the nature of controversy, by order, dated 11.05.2017, the University was directed to state specifically, on affidavit, whether the registration Nos. 1215602595, 1215602161 and 1215600844 had been issued in favour of these petitioners or not and if not, whether such registration numbers have been assigned to any other student.

10. In compliance of the said order, dated 11.05.2017, a supplementary counter affidavit has been filed on behalf of the University in C.W.J.C. No. 5034 of 2017 (Rajeev Ranjan v. Jai Prakash University & Ors.), wherein, it has been stated that registration number, as claimed by the petitioner, i.e., 1215602595/12, has neither been issued in favour of the petitioner nor such registration numbers has been assigned to any other student and that such registration numbers does not exist. Similar stand has been taken in C.W.J.C. No. 5377 of 2017 (Sahastranshu Kumar Pandey Vs. Jai Prakash University & Ors.), stating that registration number, as claimed by him, i.e., 1215602161/12, has neither been issued in his favour nor such registration number exist. Dealing with C.W.J.C. No. 5518 of 2017 (Raushan Raj Vs. Jai Prakash University & Ors.), it is the stand of the University that registration number, bearing No. “1215600844/12”, has not been assigned to the petitioner rather the said registration number has



been assigned to one Arti Kumari, student of Bachelor of Arts, Music (Hons.) Course.

11. Considering the aforesaid aspects of the case, I had passed following order, on 07.07.2017:-

“9. On the one hand, learned counsel for the petitioners has produced before this Court the original documents in order to show that the petitioners were having the registration numbers, as claimed by them and mentioned in the admit cards and mark-sheets, whereas, on the other hand, it is the specific case of the University that no such registration numbers, as claimed by the petitioners, were issued in their favour. This is enough indication that at some level, or the other, fraud is being played and the affairs in this regard, requires deeper investigation by the Vigilance to find out as to who has manipulated at what level and for what purpose, leading to perpetration of fraud, which is clearly evident. Fraud is evidently of nature which constitutes criminal offence.

10. Learned senior counsel, appearing on behalf of the University, informed this Court that State Vigilance is investigating into the affairs of the College, in question, after registration of the First Information Report, bearing Vigilance P.S. Case No. 101 of 2016. In course of investigation into the said case, the Vigilance has detected that some of the students of the College had been allowed to appear for



the University Examinations without being duly registered.

11. Let Vigilance Investigation Bureau, through its Director General, be impleaded as respondent No. 6 to these writ applications.

12. Let the original documents, produced before this Court by the learned counsel for the petitioners, be kept in custody of the Court, to be handed over to learned senior counsel, representing Vigilance Investigation Bureau, in view of the nature of order, which is going to be passed.

13. I direct the Vigilance Investigation Bureau to register a separate criminal case to inquire into the dispute arising out of the claim, which is being raised on behalf of the petitioners, in view of the specific stand taken on behalf of the University that it is result of fraud committed at some level/levels.

14. The original documents, produced before this Court by the learned counsel for the petitioners, shall be handed over to learned senior counsel, who appears on behalf of the Vigilance Investigation Bureau, to be transmitted to the Superintendent of Police-cum-In-Charge.

15. The Investigation Officer, who is investigating Vigilance P.S. Case No. 101 of 2016, shall be the Investigation Officer of the case, to be registered under the orders of this Court.

16. Considering the urgency of the matter, I direct the Superintendent of Police, Vigilance, Circular Road, Patna, to ensure that investigation is concluded



within a period of one (1) month from the date of receipt/production of a copy of this order and inform this Court.

17. List these matters, under the same heading, on 07.08.2017 at 10.30 A.M.

18. Let a copy of this order be handed over to learned senior counsel for the Vigilance forthwith as well as learned senior counsel representing the University.

19. Learned counsel for the University shall be required to make available copies of the pleadings on record of these cases to the learned senior counsel for the Vigilance by 11.07.2017.”

12. The Superintendent of Police, Vigilance, has informed this Court that the allegations have been found to be correct and, accordingly, an F.I.R. has been registered, being Vigilance P. S. Case No. 60 of 2017.

13. It appears from the report of the Vigilance Investigation Bureau that names of these petitioners were not sent to the University for registration for academic sessions 2012-15. Further, the college did not have any affiliation for the B. Com (Hons.) course and despite that, the petitioner of CWJC No. 5518 of 20217, namely, Roushan Raj, was allowed to appear for B. Com (Hons.) examination. It also appears from the said report that though there were only 1733 students registered for the academic



sessions 2012-15, whereas 2317 students were allowed to appear for the examination.

14. The plea of the petitioners that they were duly registered with the University before they appeared for the examination, thus, cannot be accepted.

15. There is another aspect, which has been noticed in the present case, that the College had given admission in various courses for the academic sessions, in question, much beyond the seats sanctioned by the State Government.

16. Learned Counsel for the petitioners has attempted to persuade this Court that the petitioners cannot be blamed if they were allowed admission beyond the sanctioned strength as they were not supposed to know the sanctioned strength of the college, in question. It is his contention that since the petitioners were allowed to appear for the examination by the University, their results cannot be withheld.

17. On the basis of the pleadings on record, there is not much dispute that the admissions in the college, in question, were allowed much beyond the sanctioned strength, which has been admitted in the affidavit filed by the present Principal of the college. He has, however, blamed the previous Incharge Principal of the college for allowing admission beyond sanctioned strength



and getting the number of seats enhanced at the level of the University, by making a request to the University against the statutory provision and guidelines issued by the Chancellor in this regard.

18. Learned Counsel appearing on behalf of the petitioners has relied on a Division Bench decision of this Court, in the case of **Punam Kumari v. L. N. Mithila University and Others**, reported in **1993 (1) PLJR 609**, which has been relied in the case of **Prem Shankar Yadav v. L. N. Mithila University, Darbhanga and Others**, reported in **1994 (1) PLJR 691**, to contend that once these petitioners were allowed to appear for the examination, publication of their results should not be withheld. The two cases, relied by learned Counsel for the petitioners, are clearly distinguishable. In those cases, the result of the examinees were withheld on the ground that their admissions, in B. Sc. (Hons.) Chemistry itself was bad because they had secured less than 45 per cent marks in B. Sc. Pass Course. Since no rule or regulation was produced before the Court to show that students securing less than 45 per cent marks in Pass Course in the subject concerned could not appear at the examination, the Court held that publication of result could not be withheld.



19. In the present case, the allegation is of appearing for the examination without registration with the University and fraud played in the matter of supplying registration number for appearing in Part-I and Part-II examinations, as is evident from the facts noticed above.

20. Earlier, by order, dated 10.08.2017, this Court had expressed its desire to know from the University the statutory provisions relating to enrollment/registration of a student with the University before he/she is allowed to appear for any examination, to be conducted by the University.

21. Learned Senior Counsel appearing on behalf of the University has produced before me the regulations of the University for B.A./ B.Sc./ B.Com. (General/Honours) Examinations. Regulation 8 of the said Regulations reads thus:-

“8. Any registered student of the University may be admitted to the B. Sc. (General/Honours) Part I, Part II and Part III examination if he/she produces a certificate from the principal of a college of (a) good conduct (b) completion of regular course of study in the college by fulfillment of the prescribed requirement of attendance at lectures, tutorials and/or practicals and by satisfactory record of tutorial and/or practical work and (c) having passed the college test or any other equivalent examination, for making them eligible for the University examination.



22. It is clear from the above that only registered students of the University can be allowed to appear for B.A./B.Sc./B.Com. (General /Honours) Examination. The circumstance in which these petitioners were allowed to appear for the examination, without registration numbers having been mentioned in the Part-III examination, is unknown, but the reason is obvious.

23. Learned Counsel for the petitioners has also relied on an order of this Court, dated 06.03.2017, passed in CWJC No. 1709 of 2017 (Aditya Kumar Shahi v. Jay Prakash Vishwavidyalay (University), Chapra and Others), to submit that the plea of admission having been taken beyond sanctioned strength for the purpose of refusal to grant migration certificate was rejected by this Court and this Court directed the University to issue migration certificate.

24. I have perused the said order, dated 06.03.2017. The said order does not improve the case of the petitioners as this Court had asked the University to issue migration certificate in favour of the candidate if he was a registered student and had passed the examination concerned.

25. Mr. Abhinav Shrivastava, learned Counsel, has submitted that after this Court passed the order, dated 06.03.2017, the University allowed the petitioner of that case (Aditya Kumar



Shahi) to apply for registration since he was not registered with the University.

26. It is difficult to comment in the present proceeding whether the University has accepted the application for registration, in the case of Aditya Kumar Shahi (supra), or not after passing of the order, dated 06.03.2017, of this Court. It is, however, evident from the order of this Court, dated 06.03.2017, that the Court's direction for issuance of migration certificate was subject to the fact that he was already registered with the University. That cannot be a ground for allowing relief, as claimed in the present proceedings.

27. In the above background, in my view, thus, registration of a student with the University for appearing at the examination conducted by the University is a condition precedent. No relief, thus, can be granted to these petitioners.

28. These applications have no merit and are, accordingly, dismissed.

29. There shall, however, be no order as to costs.

Prabhakar Anand/-

Chakradhari Sharan Singh, J.)

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	05-09-2017
Transmission Date	N/A

