

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.263 of 2017

In
Civil Writ Jurisdiction Case No. 8908 of 2017

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1. The Vice Chancellor, Magadh University, Bodh Gaya.
 2. The Registrar, Magadh University, Bodh Gaya.
 3. The Examination Controller, Magadh University, Bodh Gaya.
 4. Principal, Bihar Institute of Law, Raja Bazar, Patna.

.... Petitioner/s

Versus

1. Arya Achint, son of Sh. Rakesh Kumar Sharma, resident of Hartali More, Bailey Road, P.S. Kotwali, Dist. - Patna.
2. The State of Bihar through the Principal Secretary, Higher Education, Government of Bihar.

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Shivendra Kishore, Sr. Advocate
Mr. Priyank Deepak
For the Respondents : Mr. Y. V. Giri, Sr. Advocate
Mr. Anil Kumar Sinha, Advocate
Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 12-07-2017 The learned counsel for the petitioners is permitted to correct the name of opposite party 1st set in course of the day.

Heard Sri Shivendra Kishore, the learned senior counsel for the review petitioners, and Sri Y. V. Giri, the learned counsel for the opposite party 1st set/ writ petitioner.

The petitioners have filed this petition for review of the order dated 04.07.2017 passed in CWJC No. 8908 of 2017 by which this court directed the Registrar and Examination Controller of the Magadh University to accept the form of petitioner by



06.07.2017 subject to deposit of late fine, if any, so that writ petitioner may appear in the LL. B. Part-III examination.

The learned senior counsel for the review petitioners submits that last date for submission of examination form of LL. B. Part-III examination was 03.05.2017 but the writ petitioner obtained his migration certificate only on 23.06.2017 and thereafter submitted his form in the office of college and the Principal in his turn forward the form to the University but the form of the petitioner was not accepted because there was no registration number. It is further submitted that Academic Council of Magadh University vide its resolution No. 11.1 dated 03.03.2016 resolved that registration form of student should be submitted at the time of admission and last date of admission must be followed. Resolution No. 11.2 says that for students who have come from other Universities one month time be given for submission of the migration certificate failing which their admission would be cancelled automatically. The opposite party 1st set/ writ petitioner never submitted registration form and migration certificate and, therefore, his form for appearing in LL. B. Part-III examination cannot be accepted.

The learned senior counsel for the review petitioners submitted that the order dated 04.07.2017 has been passed on



concealment of facts. It is further submitted that the University has stated in paragraph 22 of review petition that on 04.07.2017 the learned counsel for the Magadh University, Mr. Priyank Deepak, appeared in court without any brief and prayed for adjournment. On these grounds, the learned counsel for the petitioners prayed to review the order dated 04.07.2017 passed in CWJC No. 8908 of 2017.

The writ petition was taken up for hearing on 04.07.2017. The writ petitioner has stated in the writ petition that he deposited fees for filling up the form on 11.04.2017 but his form was not accepted because of non availability of registration number.

The resolution of the Academic Council of Magadh University, annexed with the supplementary affidavit of the review petition, reads thus:-

“Agenda No. 11.1: Registration form should be submitted at the time of admission and last date of admission must be followed.

Resolution: Resolved to approve.

Agenda No. 11.2: For students who have come from other Universities one month time be given for submission of the migration certificate failing which their admission would be cancelled automatically.

Resolution: Resolved to approve”.

So far as submission of the review petitioners that the



writ petitioner was not allowed to fill up form of LL. B. Part-III examination on the basis of resolution of Academic Council of the University is concerned, I am of the view that it is absolutely misconceived.

The petitioner was admitted in LL. B. Part-I in the year 2014. According to aforesaid resolution at the time of admission itself the registration form must have been submitted and if the student is of other University then within one month from the date of admission the student must submit migration certificate failing which the admission shall stand automatically cancelled but the University and its functionaries, for the reasons best known to them, allowed the writ petitioner to appear in LL. B. Part-I examination and his result was also published. Similarly, the University authorities did not take any action when the petitioner filled up his form to appear in LL. B. Part-II examination. His form was accepted without registration number and the result of writ petitioner was also published. When the petitioner went to fill up form of LL. B. Part-III examination on 11.04.2017, well within time, after depositing examination fees in the bank, the form of petitioner was not accepted on the ground that he did not get registration number nor he submitted migration certificate. Once the writ petitioner did not submit migration certificate he should not



have been allowed to appear in LL. B. Part-I examination but the University and its authorities, for the reasons best known to them, allowed the opposite party 1st set/ the writ petitioner to appear in LL. B. Part-I examination and also in LL. B. Part-II examination and result of both the examinations were published but when he went to fill up form of LL. B. Part-III examination it is stated that he cannot be allowed to appear.

The writ petitioner submitted his migration certificate, of course, after some delay but when all theses facts brought to notice of this court, this court passed the order dated 04.07.2017 directing the Registrar and Examination Controller of the Magadh University to accept the form of the writ petitioner subject to deposit of late fine, if any, and to allow him to appear in LL. B. Part-III examination.

I find no force in the submission of the learned senior counsel for the review petitioners that on concealment of facts the order was passed.

So far as submission of learned senior counsel for the review petitioners that the learned counsel for the University did not have brief and he prayed for adjournment, the order under review itself shows that the learned counsel did not pray for time or informed the court about non receipt of the copy of writ petition



rather he submitted that if the court directs the University has got no objection in accepting the form of writ petitioner.

On the facts aforesaid, I find that the University, admittedly, against the resolution of Academic Council dated 03.03.2016 allowed the writ petitioner to appear in LL. B. Part-I examination and LL. B. Part-II examination and published the results without registration number although the resolution of Academic Council says that if the student fails to deposit migration certificate within one month of his admission his admission shall stand automatically cancelled. Neither the University nor the college took any action for cancelling the admission of the writ petitioner rather they allowed him to appear in LL. B. Part-I examination and LL. B. Part-II examination and declared the results.

I, therefore, find no reason to review the order dated 04.07.2017 passed in CWJC No. 8908 of 2017. The review petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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