

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1405 of 2015

In

Civil Writ Jurisdiction Case No.10607 of 2006

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1. Vimal Prasad Mandal Son of Arjun Prasad Mandal, Resident and P.O. - Auria, P.S. - Barahat, District - Banka.
 2. Wazda Tabassum, Wife of Md. Khalid Ansari, resident of Mohalla - Maulaganj, Post Lalbagh, P.s. - Laherisarai, District - Darbhanga.
 3. Sayed Sadik Akhter, Son of Syed Sham Suddin, Resident of Aliganj, Road No. 22, Gaya, District - Gaya.

... .. Appellant/s

Versus

1. L. N. Mithila University, Darbhanga through the Vice Chancellor.
2. The Vice - Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
3. The Controller of Examination, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Principal, S.M. Zaheer Alam Teacher's Training College, Bahera Darbhanga.
5. The Regional Director, National Council For Technical Education, Bhuneshwar.
6. Mohammad Abdul Hakim, Son of Md. Kalimuddin, resident of village - jaipur, P.O. - Rahmandih, P.s. - Dhoraiya, District - Banka.
7. Md. Alam, Son of Md. Tufail Aam, resident of post Amwakalan, Via Piprahi, District - Sheohar.
8. Kumari Rakhi Mandal, Daughter of Ananth mandal, resident of village - Panjania, P.s. - Nalan, Via - Nala, District - Jamtara.
9. Sita Verma, Daughter of Girija Nandan Prasad, resident of C/o Shri G.K. Sinha, Bank Colony, Ranchi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Shahnawaz Ali
For the Respondent/s : Mr. Ajay Behari Sinha
Ms. Kalpana

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 22-08-2017

Heard learned counsel for the parties.



Of the seven appellants before the writ court only three have chosen to prefer the appeal now. The other four, who have been shown to be respondents, probably have reconciled to their fate, keeping in mind the various findings, which the Learned Single Judge has recorded meticulously after going through the records of the case in a detailed order running into forty pages. Since the Learned Single Judge dismissed the writ application vide his judgment dated 19.12.2012, refusing to give any direction upon the respondents, especially the university to declare the result of B.Ed., these appellants have chosen to file the present Appeal under Letters Patent.

The Court does not want to burden this order by narrating all the manipulations, which was done by the college authorities in facilitating admission in the B.Ed. Course by interpolation or fraud played with the records, some of which have been discussed, beginning paragraph 19 and 20 of the order impugned.

Any benefit derived from a fraudulent means and whose very foundation was laid in interpolation and smuggling of names against, roll nos. belonging to those candidates who did not appear in the examination. Such act cannot create equity in favour of the beneficiaries.



After having gone through the detailed order this Court must give credit to the Learned Single Judge that he himself meticulously went through the entire records including the enquiry reports, which have been extensively quoted in the order and then only he reached a conclusion that by no interpretation of law any relief can be extended to the appellants by giving a direction to the university against cancellation of their results or to declare their results.

Learned counsel representing the appellants beseeched before this Court that a lenient view ought to be taken where the students have had no role to play in fraud or manipulation, taking into consideration that the rest of their career and life has been put in jeo-parady, because of some omission and commission by the college, while granting admission in B.Ed. Course. The university had allowed the appellants to sit for the examination initially.

Since the fraud which has been played out by the institution is always done in secrecy and darkness and not all records are readily available or made available to the university authorities, in fact every effort is made to camouflage the wrong doing then there was bound to be delay in discovery of such facts. It is because of the delay advantage of sitting in the examination was taken by the students. They cannot be called bona fide students.



Since the very admission to the course in the institution was based on edifice of fraud, the dismissal of the writ application by the Learned Single Judge cannot be said to be irrational or erroneous in any manner.

The facts are too glaring, any indulgence shown to these appellants will only embolden such authorities or institutions to adopt the method and methodology for granting admission to students, who were not bona fide selected candidates for such admission.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

skm/-

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