

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.92 of 2017

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Bihar College of Pharmacy, New Bailey Road, P.S. Khajpura,
District - Patna through its Chairman Rajendra Kumar, Son of late
Chandeshwar Prasad Singh, Resident of Village - Chataru, P.S. -
Atri, District - Gaya.

.... Petitioner/s

Versus

1. Magadh University, Bodh Gaya, Bodh Gaya through its Registrar.
2. The Vice Chancellor, Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.
4. The Examination Controller, Magadh University, Bodh Gaya.
5. The Chancellor of the Universities of Bihar, Raj Bhawan, Patna through its Officer-On-Special Duty(Judicial), Raj Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
Mr. Raghubir Chandrayan, Adv.
For the University : Mr. Girijish Kumar, Adv.
For the Chancellor : Mr. Rajendra Kr. Giri, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 19-06-2017

The present writ application, under Article 226
of the Constitution of India, has been filed seeking
direction to the respondents to notify the date of



examination of B. Pharm-Part-I, II, III and IV and M. Pharm-Part-I and II, 2016. The said examination, according to the petitioner, is to be conducted by the Magadh University, Gaya (*hereinafter refereed to as the 'University'*).

2. The petitioner is a privately run institution, imparting B. Pharm and M. Pharm courses.

3. It seems that during the pendency of the present writ application, the examination process for various parts of B. Pharm has begun.

4. With respect to examination of M. Pharm, it has been stated in the counter affidavit filed on behalf of the University that the University is unable to conduct the examination in the absence of Regulations and Ordinance of the University in this regard, duly approved by the Chancellor. It has also been stated in the counter affidavit that proposed Ordinance and Regulations for M. Pharm, duly approved by the Academic Council, Syndicate and Senate, has been sent to the Chancellor's Secretariat for approval.

5. Learned counsel, appearing on behalf of the petitioner, has submitted that the petitioner's institution has recognition by the AICTE, with respect to running of M. Pharm course, and, therefore, the University and the



authorities concerned are duty bound to hold the examination.

6. In view of the stand, which has been taken on behalf of the University in the counter affidavit, no specific direction in this regard can be made for the present, since the proposed Regulations/Ordinance is pending before the Chancellor for due approval. The Court expects that the process of framing of Regulations/Ordinance is expeditiously finalized and a final decision in this regard is taken within a period of three months from today. Once the Regulations/Ordinance are framed, duly approved by the Chancellor, the Court further expects that the authorities concerned shall proceed for holding examination in accordance with law.

7. An argument has been made that certain Regulations are still in operation, governing the said M. Pharm course, within the University and any Regulation, which is now proposed to be framed can have only prospective effect.

8. I have not gone into the question as to whether the Regulations, which are already there according to the petitioner, have been validly framed and have statutory force or not. If the said Regulations are valid, it goes without saying that the pattern of



examination of the students will be as per the duly framed Regulations which already exist and the Regulations proposed can have prospective effect only.

9. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21/06/2017
Transmission Date	N/A

