

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2715 of 2018**

1. Rajnish Son of Sanjay Prasad  
2. Sweta Rani Daughter of Sanjay Prasad  
Both residents of Bihar Vastralaya, Main Road Bazar,  
Warsaliganj, Police Station - Warsaliganj, District - Nawada.  
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,  
Government of Bihar, Patna.  
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.  
3. The Registrar, Magadh University, Bodh Gaya, Gaya.  
4. The Examination Controller, Magadh University, Bodh Gaya, Gaya.  
5. Nalanda Teacher's Training College through its Secretary, Deepnagar,  
Biharsharif (Nalanda).  
6. Nalanda Women Teacher's Training College through its Secretary, Deepnagar,  
Biharsharif (Nalanda).  
7. Mr. Prem Nath, Secretary, Nalanda Teacher Training College, Deepnagar,  
Biharsharif (Nalanda).  
8. Mr. Arvind Kumar, Secretary, Nalanda Teacher Training College, Deepnagar,  
Biharsharif (Nalanda).

... .. Respondent/s

**Appearance :**

|                         |   |                                 |
|-------------------------|---|---------------------------------|
| For the Petitioner/s    | : | Mr. Mritunjay Kumar             |
| For the Respondent/s    | : | Mr. Amrendra Kumar, AC to AAG15 |
| For Resp. Nos. 5, 6 & 7 | : | Mr. S. N. Pathak                |
| For the University      | : | Mr. Ritesh Kumar                |

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

4      05-03-2018              This writ application has been filed on behalf of the petitioners, seeking a direction to the respondents to get their names registered with the Magadh University, Bodh Gaya, as students of B. Ed. Course for the sessions 2016-18 and allow them to appear for the examination, going to be held from 07.03.2018. The petitioners claim that they are students of Nalanda Teachers Training College, Deepnagar, Biharsharif, and Nalanda Women Teachers Training College, Deepnagar,



Biharsharif.

Counter affidavit has been filed on behalf of the Secretary of the institutions. It is the case of the respondents that the petitioners were not admitted in the said colleges for B. Ed. Course.

Learned Counsel appearing on behalf of the petitioners, however, submits that there is evidence of payment of fee etc. to the colleges for the purpose of admission.

The Colleges are, admittedly, privately managed. There is dispute whether the petitioners were admitted or not. Such disputed question of facts cannot be gone into in a proceeding under Article 226 of the Constitution of India.

This writ application is, accordingly, dismissed.

The petitioners shall, however, be at liberty to cogitate their right/claim before an appropriate forum, including by way of filing suit in a civil court of competent jurisdiction.

Prabhakar Anand/-

**(Chakradhari Sharan Singh, J)**

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