

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14184 of 2018

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Manish Kumar S/o Mahendra Yadav, R/o Neat D-14, Police Colony, New
Paharpur, Patna, Anishabad, Patna-800002.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Education Deparmtnet Bihar, Patna.
2. The Patna University through its Registrar.
3. The Vice Chancellor, Patna University.
4. The Registrar, Patna University.
5. The Principal Secretary, B.N. College, Patna University.
6. Divyanshu Bhardwaj,
7. The University Grant Commission, through the Secretary, New Delhi.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mrs. Alka Verma
For the Respondent/s	:	Mrs. Shilpa Singh, GA-12
For the U.G.C.	:	Mr. Amrendra Nath Verma
For the P.U.	:	Mr. Md. Nadim Seraj

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 07-08-2018

This application has been filed seeking direction to the respondent Patna University to cancel the admission of respondent no. 6 in M.A. Political Science course for the Sessions 2017-19. It is the petitioner's plea that admission of respondent no. 6 is based on fraud committed by him upon the University and incorrect information.

It has been stated in paragraph 03 of the application that the petitioner is a student of Patna University in the current session. There is no averment in the writ application, however,



that the petitioner is a student of which course and which department. The learned counsel appearing on behalf of the petitioner, draws my attention to a representation filed by the petitioner before the Vice-Chancellor of the University, dated 22.06.2018, raising the issue of illegal admission of respondent no. 6 in the University, in which the petitioner has described himself to be a student of 4th Semester of Patna Law College. It is the petitioner's case that on the basis of admission, illegally obtained by respondent no. 6, he has been elected President of the Students' Union of Patna University. It is submitted that since the admission of respondent no. 6 is itself bad, this election as President of the Students' Union of the University is also illegal.

This is to be noted that earlier election of respondent no. 6, as President of the Students' Union, was cancelled by the Vice-Chancellor of the University on the ground that he was wrongly admitted. Upon a challenge raised by respondent no. 6, before this Court, by way of filing a writ application giving rise to C.W.J.C. No. 5023 of 2018, this Court by order dated 04.04.2018, allowed the writ application with the following observations and directions :-

“28. This is also an admitted fact that the complaint filed by the students of the University, which is said to be the basis of setting in motion an inquiry by



a Committee, constituted by the University, was not served upon the petitioner at any point of time.

29. In my view, therefore, the impugned order, dated 13.03.2018, cannot be sustained. Under the Statute the Vice-Chancellor is rather the appellate authority. It is not known under which law he exercised his power to cancel the petitioner's candidature for the post of President of the Students' Union.

30. The impugned order, dated 13.03.2018, therefore, cannot be sustained, merely on two grounds:-

(a) The gross violation of principles of natural justice, as has been discussed above, and

(b) The order is beyond jurisdiction, having not been passed in accordance with the provisions contained in the Statute for the Students' Union of the Patna University.

31. The manner, in which the petitioner's admission has been cancelled, also cannot be approved, the same also having been done without complying with the principles of natural justice, he having not been given any opportunity to justify his admission in the Himalayan University, Itanagar and subsequent admission to P.G. Course in Patna University.

32. I, therefore, hold that cancellation of the petitioner's admission, as has been done by the University, cannot be the basis for the University to take any action or pass any order without giving the petitioner due opportunity of hearing.

33. While setting aside the impugned order, I observe that it will be open to the Vice-Chancellor of the University or any other person aggrieved to raise his grievance against the election of the petitioner before duly constituted Committee in accordance with the Statutes. It will also be open to the Vice-Chancellor to



proceed, on the basis of the complaint which the University had received leading to passing of the impugned order. Any dispute in respect of the election of the petitioner will have to be decided in accordance with the provisions under the Statute. In respect of the dispute over legality/validity of the petitioner's admission to M.A. Political Science Course in P.G. Department of the Patna University, it will be open to the Vice-Chancellor to proceed and pass appropriate order, but only after giving the petitioner due opportunity of explanation and hearing."

It is not the case of the petitioner that he filed any application or petition before a Committee duly constituted to entertain election disputes arising out of said Students' Union Election. In respect of the petitioner's challenge to admission of respondent no. 6, the petitioner has miserably failed to establish his *locus standi*. The petitioner is a student of law. He does not have any concern with the illegality or otherwise of admission of respondent no. 6.

As can be easily noticed from the order dated 04.04.2018, liberty was granted to the Vice-Chancellor of the University to take a decision on the question of legality or otherwise of admission of respondent no. 6 in M.A. Political Science. It is being stated that despite the said order, the Vice-Chancellor has not taken any decision. The Court would expect



the Vice-Chancellor to look into this aspect of the matter and take
a decision after complying with the principles of natural justice.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	09.08.2018
Transmission Date	N/A

