

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11475 of 2018

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1. Priyanka Bharti, Daughter of Ram Parwesh Sah, Resident of Mohalla + P.O+P.S. -Supaul, District-Supaul.
 2. Chandra Kishor, Son of Satya Narayan Mandal, Resident of Village + P.O- Basaha, P.S.- Pipra, District-Supaul.
 3. Manila Kumari, Daughter of Ram Jaipal Singh, Resident of Mohalla- Vijay Nagar, Road No. 1, Hanuman Nagar, P.O- Lohia nagar, P.S.- Patrakar Nagar, District-Patna.
 4. Dharmendra Kumar, Son of Bishnu Deo Sharma, Resident of Village Parsai, Post Office- Bajitpur, Police Station- Triveniganj District- Supaul.
 5. Vinita Choudhary, Daughter of Late Ram Briksh Choudhary, Resident of Village + P.O.- Shamsheer Nagar, P.S.-Daudnagar, District- Aurangabad.
 6. Arti, Daughter of Late Lakhendra Sah, Resident of Prabhat Nagar, P.S.- Bhagwanpur, District-Muzaffarpur.
 7. Md. Nuruzzaman, Son of Md. Azimuddin, Resident of Village and post office- Kashimnagar, Police Station Murarai, District- Birbhum, West Bengal.
 8. Sarita Anju, Daughter of Avinash Kumar Singh, Resident of Village- Maidah, P.O.- Mauzi, P.S.- Hasanpur, District- Samastipur.
 9. Vaidehi Kumar Gupta, Daughter of Maheshwar Prasad Gupta, Resident of M/s Surya Internet, Tekari Road, Bela More, P.S.-Bela, District-Gaya.
 - 10.Indu Kumari, Daughter of Vijay Kumar Prasad, Resident of Village- Ikkil, P.S.- Mekhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The Union of India, through the Director AYUSH Ministry, Govt. of India, New Delhi.
2. The Under Secretary, AYUSH Ministry, Govt. of India, New Delhi.
3. The Secretary, Central Council of Homeopathy, Government of India, New Delhi.
4. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
5. The Principal Secretary, Health Department, Government of Bihar, Patna.
6. The Special Secretary, Health Department, Government of Bihar, Patna.
7. The Deputy Secretary (Homeopathic), Health Department, Government of Bihar, Patna.
8. The Director, AYUSH (Homeopathic), Health Department, Government of Bihar, Patna.
9. The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, Government of Bihar, Patna.
10. The Principal, R.B.T.S. Govt. Homeopathic Medical college and Hospital, Muzaffarpur, Bihar.

... .. Respondent/s

with
Civil Review No. 17 of 2018
In
Civil Writ Jurisdiction Case No.16880 of 2017



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The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, Government of Bihar, Patna.

... ..Respondent/Review petitioner

Versus

1. Madhav Kumar Jha S/o Awadhesh Kumar Jha R/o Village - Mishroulia, P.O. - Chandanpatti, P.S. - Sakra, District – Muzaffarpur.

...Writ petitioner/Opposite party

2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Deputy Secretary (Homeopathic), Department of Health, Government of Bihar, Patna.
5. The Director, AYUSH (Homeopathic), Department of Health, Government of Bihar, Patna.
6. Principal R.B.T.S., Govt. Homeopathic Medical College and Hospital, Muzaffarpur
7. The Union of India , through the Director, Ayush Minstry, New Delhi

... .. Opposite parties

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with
Civil Review No. 18 of 2018
In
Civil Writ Jurisdiction Case No.15504 of 2017

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The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, Government of Bihar, Patna.

... .. Respondent/Review petitioner

Versus

1. Priyanka Bharti daughter of Ram Pravesh Sah resident of Mohalla + PO + PS - Supaul, District - Supaul.
2. Chandra Kishore Son of Satya Narayan Mandal resident of Village & PO - Basaha, P.S. - Pipra, District - Supaul.
3. Manila Kumari daughter of Ram Jaipal Singh resident of Mohalla - Vijay Nagar, Road No. - 1, Hanuman Nagar, P.O. - Lohia Nagar, P.S. - Patrakar Nagar, District - Patna.
4. Dharmendra Singh son of Raj Narayan Singh resident of Mohalla - Khajurbarma, P.S. - Sultanganj, District - Patna.
5. Archana daughter of Late Bhola Nath Sah resident of Village - Belaw, P.O. - Belaw, P.S. - Kaler, District - Arwal.
6. Vinita Choudhary daughter of Late Ram Briksh Choudhary resident of Village & PO - Shamsheer Nagar, P.S. - Daudnagar, District – Aurangabad.

....Writ petitioner/Opposite parties 1st set

7. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
8. The Principal Secretary, Health Department, Government of Bihar, Patna.
9. The Deputy Secretary (Homeopathic), Health Department, Government of Bihar, Patna.



10. The Director, AYUSH (Homeopathic), Health Department, Government of Bihar, Patna.
11. The Union of India through the Director, Ayush Ministry, New Delhi.
...Respondents/Opposite parties
12. Sarita Anju C/o - Avnish Kumar Singh, resident of village - Maldah, PO - Maujee, PS - Hasanpur, District - Samastipur.
13. Arti C/o - Late Lakhinder Sah, resident of Prabhat Nagar, Bharwanpur, District - Muzaffarpur, Bihar.
14. Sayistav Praveen C/o - Quamsuzzamah, Village - Ghorasahan, P.O. and P.S. - Ghorasahan, District - East Champaran, Bihar.
15. Rajani Kumari D/o Dinesh Prasad resident of Village Amar Singh Bigha, P.S. - Sara, P.O. - Narut, District - Nalanda, Bihar.
16. Rubi Kumari D/o Sahagird Manjhi resident of Village and P.O. - Tarwara, P.S. - Tarwara, District - Siwan.
17. Dharmendra Kumar S/o Bishnu Deo Sharma resident of Village - Parasi, PO - Bajitpur, P.S. - Triveniganj, District - Supaul.
18. Anuj Kumar S/o Late Anandi Prasad resident of Village - Bawshipur Chandrapur, PO - Amarpur, P.S. - Medni Chowki, District - Lakhisarai.
19. Indu Kumari D/o Vijay Kumar Prasad resident of Village - Ikkil, P.S. - Makhdumpur, District - Jehanabad.
20. Vaidehi Kumari Gupta D/o Maheshwar Prasad Gupta resident of M/s Surya Internet Texari Road, Bala More, Dularijang, Gaya, Bihar.
21. Binod Kumar S/o Ramdayal Singh resident of Village - Silari, P.S. - Kargat, District - Rohtas.

... ...Respondents/Opposites 3rd set

Appearance :

(In Civil Writ Jurisdiction Case No. 11475 of 2018)

For the Petitioner/s	: Mr. Anand Kumar Ojha Mr. R.K.Sharma
For the Union of India	: Mr. S.D.Sanjay, Addl.Sol General Ms. Kanak Verma
For the State	: Mr. N.K.Yadav, SC 23 Mr. Ranvijay Singh, AC to SC 23

(In Civil Review No. 17 of 2018)

For the Petitioner/s	: Mr. Prasoon Sinha
For the State	: Mr. Niraj Kumar Sinha, AC to PAAG 2

(In Civil Review No. 18 of 2018)

For the Petitioner/s	: Mr. Prasoon Sinha
For the State	: Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 13-08-2018

The issues involved in all these three applications are common and integrally connected and, therefore, with the



consent of the learned counsel for the parties, they have been heard together and are being disposed of by the present common judgment and order.

2. Before pointing out the core issues involved in these cases, it would be apt to take into account certain foundational facts, in respect of which there is no dispute.

3. Some of the petitioners of CWJC No. 11475 of 2018 (Priyanka Bharti and others vs. Union of India and others) had approached this Court earlier by filing CWJC No. 15504 of 2017, challenging Clause 5.1(i) of the prospectus issued for Post-Graduate Medical Admission counselling-2017, dealing with admission against the State quota seats for MD (Homeo) course, based on merit list of All India Ayush Post-Graduate Entrance Test (AIAPGET)-2017, Department of Ayush, Govt. of India.

Clause 5.1 (I) reads thus:-

“5.1(i) The candidates must have passed the B.H.M.S. Examination from any Govt. Homeopathy College of Bihar State included in the schedule of Central Council of Homeopathy, India.”

4. This is not in dispute that one R.B.T.S. Government



Homeopathy Medical College and Hospital, Muzaffarpur (hereinafter referred to as 'the College'), is the only Homeopathy Medical College, established and run by the State Government of Bihar. If this fact is considered with the requirement under Clause 5.1(i) of the prospectus, the irresistible inference which can be drawn is that there being only one Government Homeopathic Medical College in the State of Bihar, since the candidates, who have passed the BHMS. examination from the Government Homeopathy College from the Bihar State alone have been made eligible to admission to the Post-Graduate Course in the College, only such candidates who have passed the BHMS examination from the College can be considered for admission to the Post-Graduate Medical Homeopathic course in the College; Clause 5.1(i) of the prospectus was challenged on the ground of the same being violative of Article 14 of the Constitution of India and in the teeth of the Supreme Court's decision in the case of **Saurabh Chaudri and others Vs. Union of India and others**, reported in (2003)11 SCC 146. The challenge made by the petitioner in CWJC No. 15504 of 2017 (**Priyanka Bharti**; supra) was sustained by this Court in its decision dated 14.12.2017. Relevant portion of the said decision is being



reproduced hereinbelow:-

“22. What has clearly emerged from the discussions, as above, that the eligibility criteria laid down in Clause 5.1 (i) of the Prospectus, allowing 100 per cent reservation on institutional basis is unconstitutional, being in teeth of Article 14 of the Constitution of India, in the light of law laid down by the Supreme Court, in the case of **Saurabh Chaudri** (supra) and, therefore, unsustainable.

23. In the light of the Supreme Court’s decision, in the case of **Saurabh Chaudri** (supra), institutional reservation on the basis of institutional preference cannot go beyond 50 per cent. Reservation on the basis of institutional preference within 50 percent, however, is reasonable and can be approved.

24. Accordingly, Clause 5.1(i) of the Prospectus, in question, is hereby declared *ultra vires*. The counselling done on the basis of the said provision is also declared to be illegal, being in teeth of Article 14 of the Constitution of India. The



admissions given on the said basis to the intervenor-respondents cannot be sustained and such admissions are accordingly held to be illegal.

25. The respondent-BCECEB is directed to hold a counselling afresh from the stage of registration by providing 50 per cent reservation on the basis of institutional preference. Normally, I would have directed the State Government and the BCECEB to take a decision on the question of providing the percentage of institutional preference, but considering the time constraint, I have directed the BCECEB to provide reservation on institutional preference following the decision of the Supreme Court, in the case of **Saurabh Chaudri** (supra), particularly, in the background of the fact that the State of Bihar, by the impugned action, had provided 100 per cent reservation on institutional preference, which I have found to be not permissible.

26. Rest of the conditions in the Prospectus, in question, shall remain intact. The counselling must



be undertaken expeditiously and concluded within a maximum period of fortnight from the date of receipt/production of a copy of this order.

27. The period of fortnight I have prescribed because the BCECEB had earlier announced counselling programme on 02.11.2017 and had completed it by 07.11.2017.

28. I have kept in mind, while passing this order, that there is no statutory cut off date prescribed for admission to Post-Graduate Homeopathy course.

29. It is also made clear that till the process of counselling is over, the intervenor-respondents shall be allowed to pursue their course, if they want, and those who are selected on the basis of counselling to be held under the orders of this Court, they shall be allowed to continue their course and those who do not succeed, their admissions shall stand cancelled, in view of this judgment and order.

30. This application is allowed.



31. However, there shall be
no order as to costs.”

5. This is noteworthy that aforesaid CWJC No. 15504 of 2017 (Priyanka Bharti Vs State of Bihar) was filed on 30.10.2017.

6. For the purpose of controversy, which is involved in these proceedings, the observation made by this Court in the case of **Priyanka Bharti and others** (supra) is significant wherein the Court had noted that there was no statutory cut-off date prescribed for admission to the Post-Graduate Homeopathy Course. While holding Clause 5.1(i) of the prospectus to be *ultra vires* and counselling for admission undertaken on that basis to be illegal, being in teeth of Article 14 of the Constitution of India, the respondent-BCECEB was directed to hold a counselling afresh from the stage of registration of the aspirants by providing 50 per cent reservation on the basis of institutional preference. Considering the time constraint, instead of directing the State Government and BCECEB to take a decision on the question of providing percentage on institutional preference, the BCECEB was directed to provide reservation of 50 per cent on institutional preference following the Supreme Court’s decision in the case of **Saurabh Chaudri** (supra). The



said decision rendered in the case of **Priyanka Bharti** (supra) has been upheld by a Division Bench of this Court by order dated 10.01.2018 Passed in LPA No. 10 of 2018.

7. There was another writ application filed by one Madhav Kumar Jha, giving rise to CWJC No.16880 of 2017 raising the same grievance as was raised in the case of **Priyanka Bharti** (supra) which was also disposed of by another order of the same date i.e. 14.12.2017 passed therein, in the light of the decision rendered in **Priyanka Bharti** (supra).

8. It is not in dispute that, based on the said decision of **Priyanka Bharti** (supra) counselling was held afresh on the basis of which the petitioners of CWJC No. 11475 of 2018 came to be admitted in the course of MD (Homeo) for the academic year 2017-18 in the College. After these petitioners were admitted in the MD (Homeo) course, the Department of Ayush sent a letter dated 05.03.2018, addressed to the Special Secretary (Health & FW), Department of Health, Govt. of Bihar, stating that, despite knowing the fact that the cut-off date for admission in MD (Homeo) course was 29.11.2017, the State Government of Bihar has allowed the counseeling for admission in MD (Homeo) course at R.B.T.S. Govt Homeopathic Medical College and Hospital, Muzaffarpur, Bihar, after the prescribed



cut-off date. It further mentions that the students admitted after the prescribed cut-off date of admission could not be 'considered'. As a sequel to the said communication dated 05.03.2018, the Principal of the College sent notices to all these petitioners through a letter dated 03.05.2018, informing the said communication of the Department of Ayush. The petitioners of the present CWJC No. 11745 of 2018 are aggrieved by the said letter(s) dated 05.03.2018 and 03.5.2018. Since the Government of India refused to consider the admission, the Principal of the College has informed to the PG Scholars of 2017 of the College through another letter indicating that the Government of India may not be releasing the funds for payment of stipend to the PG Scholars.

9. It is also noticeable that neither the Union of India nor the State of Bihar or the College itself appeared to have preferred appeal against the decision rendered in the case of **Priyanka Bharti** (supra) and as has been noticed, the directives issued therein have been implemented. The BCECEB, which has been assigned the duty of holding counselling, has preferred two civil review applications, giving rise to Civil Review Nos. 17 of 2018 and 18 of 2018 on the sole ground that whereas in paragraph 28 of the decision in the case of **Priyanka Bharti**



(supra), it has been mentioned by this Court that there was no statutory cut-off date prescribed for admission to the Post-Graduate Homeopathy course, though the cut-off date was prescribed for completing admission to the said course by the statutory body i.e. Ministry of Ayush, the Authority which had conducted the All India Ayush Post-Graduate Entrance Test, 2017-18. This is the only ground on which the review of the decision is being sought. There is, however, no averment that any statutory cut-off date has been prescribed for completing the process of admission under any rule or regulation having force of law. It has also been asserted in the review applications that there was stand taken on behalf of BCECEB that a cut-off date for completing the process of admission has been prescribed by the Ministry of Ayush which missed the attention of this Court while allowing the writ application.

10. Before I advert to the ground taken on behalf of the BCECEB for seeking review of the order, I must note that the writ application being CWJC No. 15504 of 2017 (**Priyanka Bhari vs. State of Bihar and others vs. The State of Bihar and others**) was filed on 30.10.2017. The matter was taken up on 31.10.2017, when this Court had observed that the admission allowed on the basis of the prospectus shall be subject to the



final result of the case. The matter was adjourned for filing of the pleadings, whereafter the judgment was rendered on 14.12.2017.

11. In the counter affidavit filed on behalf of the Union of India in CWJC No. 11475 of 2018, it has been stated in paragraph III under the heading 'reply on merits' that initially 15.10.2017 was fixed as the cut-off date for the academic sessions 2017-18 for admission to the course in question vide letter dated 29.08.2017, issued by the Central Council of Homeopathy. The said cut-off date was extended upto 31.10.2017 and subsequently to 08.11.2018 and further to 29.11.2017, vide letter dated 24.11.2017, issued by the Ministry of Aayush, which has been brought on record by way of Annxure-R/3 to the counter affidavit. Apparently thus, when the writ petition was filed and the matter was being considered by this Court, the cut-off date of admission had not expired. The petitioner had immediately approached this Court on 31.10.2017, itself, questioning the policy of admission itself by putting to challenge Clause 5.1(i) of the Prospectus. The challenge to the said policy of admission has been upheld by this Court, as has been noticed above. While allowing the writ petition being CWJC No. 15504 of 2017 **Priyanka Bharti**



(supra), this Court was aware that the cut-off date so prescribed, was not statutory since it was being extended from time to time by executive orders for administrative reasons up to 29.11.2017. The observations and directions contained in paragraph 25 of this Court's decision in case of **Priyanka Bharti** (supra) indicates that the Court was conscious of the time constraint in the matter of admission to a professional course and, therefore, in the peculiar facts and circumstances of the case, instead of directing the State Government to take a decision on the question of providing percentage of institutional preference, following Supreme Court's decision in case of **Saurabh Chaudri**, had directed the BCECEB to proceed for counselling, allowing 50 per cent institutional preference. Further, considering the time constraint, the respondents were directed to undertake the process of counselling expeditiously, within a maximum period of fortnight from the date of receipt/production of a copy of the said order. The counselling has been undertaken and the petitioners have been admitted in the course.

12. Mr. Anand Kumar Ojha, learned counsel appearing on behalf of the petitioner, has rightly placed reliance on a Supreme Court's decision in case of **Asha Vs. Pt. B.D.**



Sharma University of Health Sciences and Ors. reported in (2012) 7 SCC 389, which relates to admission in MBBS/BDS course. The appellant, because of her merit position was not given a seat in MBBS course in the first round of counselling, whereupon she had taken admission in B.D.S. courses. A second round of counselling was held, thereafter. The appellant had participated in the counselling but her roll number was not declared by the respondents for the admission. When the list of allocation of seats was displayed, it came to light that the candidates who ranked below her in the merit list, had been given admission to the MBBS course. The plea of the respondents that the appellant had left the place of counselling when her turn came, was rejected by learned Single Judge in that case. Considering the fact that the appellant had filed the writ petition within a week of the second counselling, the learned Single Judge accepting the facts averred in the writ application, had directed the respondents to admit the appellant to the MBBS course. The Division Bench, however, reversed the judgment of learned Single on the ground that the directions could not have been issued on the basis of possibilities and that to disturb the admission process at the said stage, would not be in the interest of academic. A question had arisen in that case



whether such direction could be issued, in view of the cut-off date prescribed for admission.

13. The Supreme Court framed specific question, *inter alia*, in paragraph 4.(b) in case of **Asha** (supra), which reads thus:-

“4.(a)

(b). Whether cut-off date of 30th September of the relevant academic year is a date which admits any exception.”

14. The Supreme Court, upon examining various precedents, held in paragraph 30 and 31 as follows:-

30. There is no doubt that 30th September is the cut-off date. The authorities cannot grant admission beyond the cut-off date which is specifically postulated. But where no fault is attributable to a candidate and she is denied admission for arbitrary reasons, should the cut-off date be permitted to operate as a bar to admission to such students particularly when it would result in complete ruining of the professional career of a meritorious candidate, is the question we have to answer.

31. Having recorded that the



appellant is not at fault and she pursued her rights and remedies as expeditiously as possible, we are of the considered view that the cut-off date cannot be used as a technical instrument or tool to deny admission to a meritorious students. The rule of merit stands completely defeated in the facts of the present case. The appellant was a candidate placed higher in the merit list. It cannot be disputed that candidates having merit much lower to her have already been given admission in the MBBS course. The appellant had attained 832 marks while the students who had attained 821, 792, 752, 740 and 731 marks have already been given admission in the ESM category in the MBBS course. It is not only unfortunate but apparently unfair that the appellant be denied admission.”

15. The case of the petitioners are certainly on much better footing than the one decided by the Supreme Court in case of **Asha** (supra). The petitioners had challenged the very policy of admission promptly before this Court by filing writ petition which was registered on 30.10.2017. 29.11.2017 was the extended cut-off date. The policy of admission under



challenge as declared in the prospectus, has been declared to be *ultra-vires* Article 14 of the Constitution of India in case of **Priyanka Bharti** (supra). The admissions have been undertaken strictly in terms of the directive issued by this Court. In that background, the plea taken in the review applications, that prescription of cut-off dates by executive order, missed the attention of this Court and, therefore, the decision in case of **Priyanka Bharti** (supra) needs to be reviewed is absolutely unacceptable. This is moreso because neither the Union of India nor the State of Bihar, questioned the correctness of the said decision in case of **Priyanka Bharti** (supra) and they thus, accepted the decision.

16. For the said reasons, I do not find any merit in the review application nos. 17 of 2018 and 18 of 2018, which are, accordingly, dismissed since it is not the case of the review petitioners, that there was any statutory cut-off date prescribed.

17. Coming now to the impugned order/letter dated 05.03.2018, issued by the Ministry of Aayush (Annexure-2), which in the Court's opinion is vulnerable for the same reason. The Court is perturbed over the conduct of the Ministry of Aayush, Government of India, over its action to issue the impugned letter dated 05.03.2018. The Ministry was a party to



the proceedings of CWJC No. 15504 of 2017. Specific direction was given by this Court for holding counselling afresh and allowing the admissions, by judgment and order, dated 14.12.2017, passed in case of **Priyanka Bharti** (supra). Despite the said order, the Ministry ventured to mention in the letter dated 05.03.2018 that the students admitted after prescribed cut-off date of admission could not be considered. The said communication dated 05.03.2018, as a matter of fact, is contumacious and I was intending to proceed against the concerned officials for contempt of this Court but it is because of submission advanced by Mr. S.D. Sanjay, learned Additional Solicitor General, appearing for the Union of India, that I have refrained from doing so. He has drawn my attention to averments made in paragraph viii of the counter affidavit to contend that the Ministry of Aayush had given an undertaking before Lucknow Bench of Allahabad High Court in case of **S.K.S. Ayurvedic Medical College and Hospital Mathura Vs. Union of India and Ors.** being Writ Petition No. 28758 (M/S) of 2017, wherein upon direction of the Court, a supplementary affidavit was filed, wherein the Ministry had undertaken that they shall not extend the cut-off date any further. He has drawn my attention to paragraph ix of the said



counter affidavit in order to submit that the Ministry did never intend to act in breach of this Court's judgment and order, dated 14.12.2017, passed in **Priyanka Bharti** (supra) and has submitted that they were rather doing so in the light of his own affidavit filed before the Allahabad High Court.

18. Paragraph (ix) of the counter affidavit reads thus:-

“ix. That, therefore, if the answering Respondent further extends the cut-off date, then it shall lead to legal quandary. The answering Respondent by issuing the letter dated 05.03.2018 bearing R. 17014/11/2013 EOF (Part) did not wilfully disobey or disregard the order dated 14.12.2017 passed by the Hon'ble High Court in CWJC No. 15504 of 2017.”

19. There is yet another aspect of the matter. It is not a case of an individual's claim of better merit in the process of admission to a professional course. It is a case where by this Court's order, the admission policy in Post-Graduate course in Ayurveda in the State of Bihar itself, was under challenge and the policy under Clause 5.1(i) has been held to be *ultra-vires*. It will create an anomalous situation, if the plea of cut-off date is to be accepted, since in such circumstance, no admission in PG



course in Ayurveda in Government College in the State of Bihar, would be permissible in the light of Clause 5.1(i) having been declared *ultra-vires*.

20. In view of the discussions, as above, the impugned letter dated 05.03.2018, is hereby quashed which shall be treated to be inconsequential for all purposes. The petitioners shall be allowed to pursue their course.

21. Accordingly, this writ application succeeds. No action consequential to the impugned letter dated 03.05.2018, shall be given effect to.

22. There shall be no order as to cost(s).

(Chakradhari Sharan Singh, J)

HR/Ashish/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	20.08.2018
Transmission Date	

