

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1110 of 2018

In

Civil Writ Jurisdiction Case No.11236 of 2018

=====

Vijay Shankar Rai Son of Bhola Rai, Resident of village- Manjhi Tola, Naya Bazar,P.O. & P.S. Sherghati,District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Govt. of Bihar, Patna.
2. The Director, Higher Education, Patna.
3. Magadh University Bodh Gaya through its Registrar.
4. The Vice- Chancellor, Magadh University, Bodh Gaya
5. The Registrar, Magadh University, Bodh Gaya.
6. The Examination Controller, Magadh University, Bodh Gaya.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG-15

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-09-2018

1. Feeling aggrieved and dissatisfied with the
impugned judgment and order passed by the learned Single



Judge dated 26.07.2018 in C.W.J.C. No. 11236 of 2018, by which the learned Single Judge has dismissed the said petition and has refused to grant the relief as prayed by the original writ-petitioner directing the respondents to accept examination forms and fees of students of Prof. Vijay Shankar Rai Mahila Mahavidalaya, Sherghati, Gaya for B.A., B.Sc, B.Com. Part-III Examination of 2017-18, the original writ-petitioner has preferred the present Letters Patent Appeal.

2. We have heard learned Advocates appearing on behalf of the respective parties at length.

2.1. It is an admitted position and from the materials on record there does not seem to be any dispute that after 2013-14 there is no affiliation and/or approval by the State Government, as required under Section 21 (2)(d) of the Bihar State Universities Act, 2012. Even for the year in question, i.e. 2018-19 also, there is no approval by the State Government. On the ground of mere pendency of the application with the State Government, the management of the University is enrolling students.

2.2. Under the circumstances and considering the decisions of the Hon'ble Supreme Court in the cases of **Adarsh**



Shiksha Mahavidyalaya and Ors. Vs. Subhash Rahangdale and Ors., reported in **(2012) 2 SCC 425**, **Bhartia Education Society v. State of H.P.**, reported in **(2011) 4 SCC 527** and **Jindal Strips Limited and Anr. vs State of Haryana and Ors.**, reported in **(1995) Supp (1) SCC 304**, no relief can be granted by way of allowing/permitting the students to appear in the examination. The application is dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	26.10.2018
Transmission Date	

