

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1795 of 2017

In

Civil Writ Jurisdiction Case No.2292 of 2017

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1. Rajan Kumar Son of Anil Kumar Jha resident of Mohalla-Goraul, P.S.- Goraul, District- Vaishali.
 2. Kanchan Kumari D/o Biaidhya Nath Prasad Gupta Resident of Mohalla- Mit, Bairiya Road, Near Maiasthan, Brahampura, Muzaffarpur.
 3. Kaushlendra Kumar Kaushal Son of Sanjay Kumar Thakur Resident of Village +P.O.- Tyoth, P.S.- Benipatti, District-Madhubani.

... .. Appellants

Versus

1. The Chancellor of University, Raj Bhawan, Patna.
2. The University through its Registrar, B.R. Ambedkar University, Bihar.
3. The Vice Chancellor, B.R. Ambedkar University, Muzaffarpur.
4. The Registrar B.R. Ambedkar University, Muzaffarpur.
5. The Director of Distance Education, B.R.A. Bihar University, Muzaffarpur.
6. Lalan Kumar Son of late Bishwanath Singh R/o Mohalla- Kuluha Paigambarpur, Road No. 4, P.S.- Kanti, District- Muzaffarpur, Administrative Officer-cum-Programme Officer, Distance Education ,B.R.A. University, Muzaffarpur.

... .. Respondents

with

Letters Patent Appeal No. 1823 of 2017

In

Civil Writ Jurisdiction Case No.1154 of 2017

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1. Sri Suman Saurav, son of Sri M.P. Singh, resident of Village+P.O.+P.S. and District- Vaishali, Bihar.
 2. Uday Kumar, son of Ram Pukar Singh, resident of Mohalla-Maharaj Colony, Pankha Tola, Kalam Bagh Chowk, Ramna, District- Muzaffarpur, Bihar.

... .. Appellants

Versus

1. The Chancellor, Universities of Bihar.
2. Principal Secretary of Chancellor, Universities of Bihar.
3. The Joint Secretary, Chancellor Secretariat, Universities of Bihar, Patna.
4. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. The Director Distance Education, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. The Administrative Officer, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

... .. Respondents

Appearance :



(In Letters Patent Appeal No. 1795 of 2017)

For the Appellants : Mr. Suryakant Kumar, Adv.
For the University : Mr. Dhruv Mukherjee, Sr. Adv.
For the Chancellor : Mr. Rajendra Giri, Adv.

(In Letters Patent Appeal No. 1823 of 2017)

For the Appellants : Mr. P.K. Shahi, Sr. Adv.
Mr. Vikas Kumar, Adv.
For the University : Mr. Dhruv Mukherjee, Sr. Adv.
For the Chancellor : Mr. Rajendra Giri, Adv.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 03-07-2018

Heard learned Senior Counsel for the appellants, counsel for the Hon'ble Chancellor as well as the University i.e. B.R. Ambedkar Bihar University.

The learned Single Judge dismissed the writ applications, which were clubbed together and heard together vide order dated 16.11.2017. The prayer for a direction upon the authorities for holding examination for Master of Philosophy (M.Phil.) for the Sessions 2014-15 and 2015-16 was negated. So the appeal.

The core reason for the dispute to arise is that a large number of students were permitted to enroll for M.Phil courses in the B.R. Ambedkar University on the basis of advertisement issued by the directorate of distant education of the University. It is the stand of the appellants that due process was followed, admissions were granted, regular classes were held but subsequently it was discovered or pointed out that such course



was not permissible through the directorate of distant education of the University. No proper regulation or ordinance was approved by the Chancellor, therefore, a piquant situation has arisen, both for the University as well as for the students, who are all ruining their fate, for no fault of theirs.

Counsel for the Hon'ble Chancellor is rather emphatic not only in his affidavit but also in his assistance in submitting that a wrong committed by the University earlier cannot become the basis for granting relief. No doubt, subsequently, the necessary ordinance and regulations stand approved by the Hon'ble Chancellor and based on the parameters laid down in the same, now the University can conduct such course and examination but not for the earlier batch.

So far as the students who had already taken admission for the Sessions 2014-15 and 2015-16 are concerned, they have been left in the lurch. They have been banished to a no man's land and they are no takers as to what is their career and future.

The Court would be in agreement with the submission of the learned Senior counsel representing the University that as a one time measure the University is willing



to ensure that all those candidates, who had taken admission in the M.Phil courses and had pursued their studies, will be required to go through the rigors of the new statute and the ordinance. Whatever would be required to be done by them to meet the requirements would be ensured by the University and only then the University is willing to conduct examination for those students to pull them out of the situation of hopelessness which prevails for them.

As a via media, we are in agreement with the stand taken by the University that the students cannot be allowed to drift in the vacuum. Therefore, in terms of the new statute and regulation or ordinance, which have been approved by the Hon'ble Chancellor these students would be directed to comply with the requirements laid down there with regard to the classes or attendance etc. Once they complete the eligibility as a one time measure, examination will be held and the results of the successful candidates would be duly declared.

This may not be treated as precedence for such misadventurism on the part of the University. The University authorities should be more careful because such indiscretion or mindlessness also has fall out on innocent students and their families.



Appeals stand allowed and disposed off in terms of
the above direction.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

