

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9336 of 2019

1. Vishal Kumar Son of Anil Sharma, R/o Village- Hardiya, P.S.- Mohaniya, District- Arwal.
2. Anand Raj Son of Rajendra Kumar Poddar, R/o M.G. Road, P.S. Durgapur, District- Kaithar.
3. Bittu Kumar Son of Kapil Dev Poddar, R/o Village- Katiyama, P.S. Rajoun, District-Banka.
4. Abhishek Kumar Son of Om Prakash Paswan, R/o Maner Rai Basti, P.S. Maner, District- Patna.
5. Prince Kumar Rai @Prince Rai Son of Parbhunath Rai, R/o Sahjanwa Khurd, P.S. Bhaji Jhil, District- Gopalganj.
6. Mukesh Kumar, Son of Muneshwar Kumar, R/o Bank Colony, Ratanpura, P.S. Ratanpura, District-Saran.
7. Amardeep Kumar Son of Satyavrat Singh, R/o House No. 21B, Patliputra Golambar, P.S. Patliputra, District- Patna.
8. Vivek Kumar, Son of Nand Kishore Singh, R/o Ataulah, P.S. Ataulah, District- Patna.
9. Vikash Kumar Giri, Son of Raj Kishore Giri, R/o Village- Singasni, P.S. Baikunthpur, Dighwa, District- Gopalganj.
10. Rohit Singh, Son of Amar Singh, R/o Tekari Marg, P.S. Chhotki Delha, District- Gaya.
11. Rahul Kumar, Son of Rajeev Kumar, R/o Village- Makhdumpur, P.S. Pauthu Makhdumpur, District- Aurangabad.
12. Parbhat Ranjan, Son of Anirudh Kumar, R/o Tej Pratap Nagar, P.S. Anishabad, District- Patna.
13. Pappu Kumar, Son of Umesh Yadav, R/o Kolhua, P.S. Shankarpur, District- Madhepura.
14. Priyaranjan Kumar, S/o Ramparcitra Singh, R/o Village- Pirouchha, P.S. Gaighat, District- Muzaffarpur.
15. Sandeep Kumar Gupta, Son of Sudheer Kumar Gupta, R/o Village- Sorampur, P.S. Janipur, District- Patna.
16. Krishna Kumar Son of Rmev Modi, R/o Village- Moyaram Tola, P.S. Dhanuar, District- Giridih(Jharkhand).
17. Abhinaw Kumar, Son of Binkatesh Sinha, R/o Village- Koiei Bhupat, P.S. Koiei Bhuptat, District- Arwal.
18. Ravi Kumar, Son of Arun Kumar Paswan, R/o Village- Rasulla, P.S. Goasa, District- Patna.
19. Kundan Kumar, Son of Surendra Prakash, R/o Village- Pathra English, P.S. Pathra, District- Nawada.
20. Amit Kumar, Son of Arun Kumar, R/o Village-Arha, P.S. Arha, District- Jamui.
21. Md. Asgar Ansari, Son of Md. Sikandar Ansari, R/o Village-Narodih, P.S. Gokula, District- Jamtara(Jharkhand).



22. Avinash Kumar, Son of Radheshyam Singh, R/o Village- Ahgila, P.S. Rampur Chauram, District- Arwal.
23. Rohit Kumar, Son of Munna Prasad, R/o Village- Tehta Math, P.S. Tehta, District- Jehanabad.
24. Gaurav Kumar Son of Amarjeet Prasad, R/o Village- Naya Tola, P.S. Madhopur, District- Bakhtiyapur.
25. Abhimanyu Tiwari, Son of Ramashankar Tiwari, R/o Village- Rajpur, P.S. Rajpur, District- Siwan.
26. Ajob Kumar, Son of Anant Kumar, R/o Village- Chakariya, P.S. Bairiya, District- Patna.
27. Ashish Ranjan, Son of Arun Prasad, R/o Village- Mushouli, P.S. Hulashganj, District- Jehanabad.
28. Rohit Ranjan, Son of Vinod Kumar, R/o Village- Deodharpur, P.S. Tikari, District- Gaya.
29. Neha Raj, D/o Ravindra Kumar, R/o Village- Dahibhatta, P.S. Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Education Department, Govt. of Bihar, Patna.
3. The Additional Secretary, Education Department, Govt. of Bihar, Patna.
4. The Special Secretary, Education Department, Govt. of Bihar, Patna.
5. The Deputy Secretary, Education Department, Govt. of Bihar, Patna.
6. The Director, Higher Education, Govt. of Bihar, Patna
7. The Magadh University through its Registrar, Bogh Gaya, Gaya.
8. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
9. The Registrar, Magadh University, Bodh Gaya, Gaya.
10. The Examination Controller, Magadh University, Bodh Gaya, Gaya.
11. The Inspector of the College (Arts and Commerce), Magadh University, Bodh Gaya, Gaya.
12. The Inspector of the Colleges (Science) Magadh University, Bodh- Gaya, Gaya.
13. R.P. College, Ditiyana, Bikram, Patna through its Secretary.
14. R.P. College, Ditiyana, Bikram, Patna through its Principal.
15. F.G. College, Patna through its Secretary.
16. F.G. College, Patna through its Principal.
17. BSRY College, Kanhauli through its Secretary.
18. BRSY College, Kanhauli through its Principal.
19. NJS College, Bakhtiyarpur through its Secretary.
20. NJS College, Bakhtiyarpur through its Principal.



21. LM Evening College, Chanauti, Gaya through its Secretary.
22. LM Evening College, Chanauti, Gaya through its Principal.
23. KPS College, Kinjar, Arwal through its Secretary.
24. KPS College, Kinjar , Arwal through its Principal.
25. RPS Evening College(Kashtha), Gaya through its Secretary.
26. RPS Evening College(Kashtha), Gaya through its Principal
27. RNSYM Degree College, Daudnagar through its Secretary.
28. RNSYM Degree College, Daudnagar through its Principal.
29. PT Evening College, Ismailpur, Patna through its Secretary.
30. PT Evening College, Ismailpur, Patna through its Principal.
31. G.B Evening College, Kumhrar, Patna through its Secretary.
32. G.B Evening College, Kumhrar, Patna through its Principal.
33. Sri Sitaram College, Khizersarai, Gaya through its Secretary.
34. Sri Sitaram College, Khizersarai, Gaya through its Principal
35. R.J.P.R.P. College, Katari, Denara Bikram through its Secretary.
36. R.J.P.R.P. College, Katari, Denara Bikram through its Principal.
37. F. Sanda College, Fatehpur through its Secretary.
38. F. Sanda College, Fatehpur through its Principal
39. RLSY Sandhya Degree College, Nawadah through its Secretary.
40. RLSY Sandhya Degree College, Nawadah through its Principal.
41. S.B. Evening College, Gitanagar, Nawada through its Secretary
42. S.B. Evening College, Gitanagar, Nawada through its Principal.
43. Bidya Evening College, Neura Patna through its Secretary.
44. Bidya Evening College, Neura Patna through its Principal.
45. SMY Evening College, Tehta, Jehanabad through its Secretary.
46. SMY Evening College, Tehta, Jehanabad through its Principal.
47. RGS Memorial Evening College, Gaya through its Secretary.
48. RGS Memorial Evening College, Gaya through its Principal
49. RBM College, Punpun, Masaurhi, Patna through its Secretary.
50. RBM College, Punpun, Masaurhi, Patna through its Principal.
51. L.M. College, Gaya through its Secretary.
52. L.M. College, Gaya College, through its principal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rabindra Kumar
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey (Aag15)
For MU	:	Mr. Shivendra Kishore, Sr. Adv.
For State	:	Mr. Ashutosh Ranjan Pandey, Adv.



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-06-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the University as well as the
State.

Peculiar situation has arisen on account of fact that
students were not allowed to appear in the examination from the
institution without affiliated.

The matter was taken to LPA Court in LPA No. 1288
of 2018 and analogous cases, the Division Bench of this Court
on consideration of the various aspects of the matter held out
that the State Government may take appropriate decision with
regard to affiliation and the institution granted affiliation
result of the students appearing from those institution may be
published.

After order of the Division Bench in LPA No. 1288 of
2018 and analogous cases, the issue with regard to grant of
affiliation was considered by the State Government and in
response of the decision of granting affiliation, the University
has published.

Now the petitioners have approached this court
representing the category of the student who does not belong to
affiliated colleges and whose affiliation was rejected by the
State Government or the affiliation matter is still pending



before the the State Government.

Since the students were admitted and were allowed to appear at various examinations by the examining University as within the know of State authority, the Additional Chief Secretary cum the Principle Secretary acknowledging the hardship has requested the Advocate General vide letter dated 3.6.2018 requesting therein to the Hon'ble Court for granting permission for publication of the result of the students whose result is pending having regard to the fact that large number of the students have appeared through unaffiliated college.

Since earlier decision was taken by the Division Bench, this Court is not in a position to pass any observation or order which runs contrary to the decision of the Division Bench.

However, considering the hardship and noticing the previous past practice to salvage the situation, the Court as constitutional court is constraint to direct the respondent authorities to adopt remedial measures having regard to the prospect of large numbers of students and the fact that in the past the affiliation was granted as one time measure for publication of the result and thereafter the institutions were not allowed to admit students or allow of those students to appear at the examination.



In order to protect the career of the students,the writ petition is disposed of with direction to the State University to work out mechanism to provide one time affiliation to such institution whose students were not allowed to appear at the examination for the reason;

(a) In most of the cases University has recommended for grant of affiliation to the institution but State Government rejected the application for affiliation.

(b) The Additional Chief Secretary cum Principal Secretary Education Department noticing the hardship has written letter to the Advocate General for persuading the Court to grant permission to publish result as evident from counter affidavit.

(c) The innocent students are the petitioners whose future prospect may be ruined for the lapse of University and the Education Department.

Necessary decision as one time measure may be taken at the earliest preferably within 30 days from today.

(Anil Kumar Upadhyay, J)

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