IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10030 of 2019

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(Dr.) Saifullah Khalid Son of Late Shamim Ahmad, Resident of Rasoolpur-Nista, Police Station- Singhwara, Distt- Darbhanga. Presently at Hafeez Colony, Naya Bazar, Dhanbad, Jharkhand.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Patna.
2. Chancellor of Universities of Bihar, Governor House, Patna.
3. L.N. Mithila university, Darbhanga, through its Registrar.
4. Registrar, L.N. Mithila University, Darbhanga.
5. Controller of Examination, L.N. Mithila University, Darbhanga

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghib Ahsan, Sr. Adv.
Mr.Sanjay Sinha, Adv.
For the Respondent-State: Mr.Jitendra Kumar Roy 1 (Sc13)
For the Chancellor : Mr. Rajendra Kumar Giri, Adv.
For the L.N. M.U. : Mr. Md. Nadim Seraj, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 16-05-2019

The present writ petition has been filed to direct the respondent L.N.M. University to admit the petitioner in Ph.D. course.

2. The brief facts of the case, according to the petitioner, are that for the purposes of being admitted in the Ph.D. course, the petitioner got registered with the respondent University vide registration No. 30121/1985 and was also allotted Roll No. 1224180 for pre- Ph.D. Test in Education and was issued an Admit card, whereafter the petitioner had appeared in the written test and obtained 110 marks. The

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petitioner had then kept making enquiry from the office of the respondent University regarding interview/ counselling to be held, however, the petitioner was not given any information, but subsequently, he came to know that the interview has already been held in between the period 6th September, 2016 to 9th September, 2016 and 34 students have qualified. The petitioner is stated to have then filed CWJC No. 13295 of 2017 wherein he had challenged the result declared by the Education Department of the respondent University for Admission to the Ph.D. course as also for issuing a direction upon the respondents to provide admission in the Ph.D. course. The writ petition of the petitioner herein was heard along with CWJC No.5476 of 2017 and other analogous cases and a co-ordinate Bench of this Court by a judgment dated 26.10.2018 disposed of the said writ petitions in view of the fact that the Examination Department of the respondent University, in its meeting held on 03.07.2018, had decided to cancel the final result of PRT-2012-13 for admission to Ph.D. course in the faculty of Education.

3. Thereafter, the respondent University had conducted fresh interview wherein the petitioner had appeared for interview on 10.01.2019 and then a final selection list was published on 29.01.2019 wherein the name of the petitioner was

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also present and he had been declared to have been selected. It is the case of the petitioner that since the petitioner was not informed about the date fixed for taking admission, he could not take admission, hence on account of the fault of the University, the petitioner has been deprived from taking admission in Ph. D. Course, thus this Court should direct the respondent University to admit the petitioner to the Ph. D. course.

4. Per contra, the learned counsel for the University, referring to the counter affidavit filed in the present case, has submitted that the final selection list was issued by the respondent University on 29.01.2019 on the website and information regarding admission notice was uploaded on the website vide letter No. Ph.D 3926/19 dated 31.01.2019 by the University, copy whereof has been brought on record by way of Annexure-A to the counter affidavit. It is thus the case of the respondents University that since it was required to upload the result and the admission date on the website, it had uploaded the selection list on the website of the University on 29.01.2019, as also admitted by the petitioner in the writ petition to the effect that he was aware about the same as also he was having knowledge that he had been selected for being admitted in the Ph.D. course, and had thereafter uploaded the admission notice

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on the website, as aforesaid.

5. However, the petitioner is silent with regard to the admission notice having been uploaded on the website of the University, as aforesaid, which had prescribed 10th of February, 2019 as the date for admission. In fact, the petitioner has not filed any rejoinder affidavit denying the fact of uploading of the admission notice on the website of the University vide letter dated 31.1.2019, hence, it is apparent that on account of the laches on the part of the petitioner, the petitioner could not appear on the prescribed dates before the respondent University for taking admission in the Ph.D. course, thus, no fault can be found with the respondent University.

6. I have heard the learned counsel for the parties and perused the materials on record. Having regard to the facts and circumstances of the case, which out rightly depicts fault on the part of the petitioner herein in not approaching the respondent University for admission on the prescribed dates, as also considering the fact that the petitioner has not denied the fact that the admission notice was uploaded on the website of the respondent University in time, this Court is unable to extend the time period for taking admission in the Ph.D. Course, specially on the ground that firstly much time has lapsed and the course is

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underway and secondly giving any premium to the laches of the petitioner would amount to injustice with the similarly situated candidates who have been left out as well as would further amount to interference in the administration of affairs of the respondent University and disturbing the entire schedule required to be followed by the University, therefore, this Court does not find any merit in the present writ petition, accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

Tiwary/-

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

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