

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1595 of 2018

In

Civil Writ Jurisdiction Case No.16049 of 2018

Nunuwati Jagdeo Singh College, through its In-Charge Principal, Dilip Kumar Parwana, Son of Sri Sukhnanadan Singh, Resident of Village +Post-Baikathpur, P.S.- Khusrupur, Distt.- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar through its Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
4. Magadh University, Bodhgaya, Gaya through its Registrar.
5. The Vice Chancellor, Magadh University, Bodhgaya, Gaya.
6. The Registrar, Magadh University, Bodhgaya, Gaya.
7. Patliputra University, Patna, through its Registrar.
8. The Vice Chancellor, Patliputra University, Patna.
9. The Registrar, Patliputra University, Patna.
10. The Controller of Examination, Magadh University, Bodh Gaya, Gaya.
11. The Inspector of Colleges (Arts and Commerce), Magadh University, Bodh Gaya, Gaya.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. T.B. Singh, Senior Advocate Mr. B.S. Pandey, Advocate
For the State	:	Mr. Ashutosh Ranjan Pandey, A.A.G.-15 Mr. Arabind Nath Pandey, Advocate
For the Magadh University	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Arabind Nath Pandey, Advocate
For the Patliputra University	:	Dr. Anand Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 27-03-2019

Re : I.A. No. 9522 of 2018

After having heard learned counsel for the appellant,



we are satisfied that the sufficient cause has been shown to condone the delay. Delay is accordingly condoned and the appeal shall be treated to be within time.

Re : L.P.A. No. 1595 of 2018

Heard learned counsel for the appellant and perused the impugned judgment.

The contention raised is that on account of the inordinate delay caused on account of the pendency of recognition and affiliation before the respondents, the appellant-Institution cannot be put to any disadvantage nor can the student admitted by it be denied any opportunity in relation to the examinations that they might have attended to during this period. The dispute is with regard to the approval of affiliation between 2014 to 2017. In this regard, while disposing of the writ petition, the learned single Judge has issued certain directions keeping in view the judgment earlier rendered by the learned single Judge in the case of Dr. Ram Pramod Thakur and Anr. vs. State of Bihar and Ors., decided on 26th of April, 2018. A copy of the said judgment has been placed before us.

We find that firstly the appellant's claims affiliation in respect of the years which have already passed by and therefore, in our opinion, if there was no affiliation or recognition as



required under law, then in that event any student admitted or seeking any such benefit arising out of such a situation cannot be made the basis for raising a challenge or seeking the enforcement of rights of the appellants. We find that it is almost after three years that in the year 2018 that the writ petition giving rise to this appeal was filed.

No approach had been made by the appellant-petitioner by filing any writ petition before this Court nor had the students of the said students come up before this Court. We have enquired from the learned counsel for the appellant who contends that no student of the appellant-Institution had approached the High Court for any orders for appearing in the examinations in a given situation above.

We therefore after having assessed the entire facts and circumstances and the provisions that had already been taken notice of by the learned single Judge as well as the directions issued by the learned single Judge in the case of Dr. Ram Pramod Thakur (supra), the direction issued by the learned single Judge in paragraph 10 of the judgment sufficiently meets the claims raised by the appellant. The learned single Judge has further clarified that he has not entered into the merits of the deficiencies of the order dated 5th October, 2018 which shall not



prejudice any authority while passing the order.

We find sufficient care having been taken by the learned single Judge to protect the interests of the appellant to the extent it is admissible in law. We therefore do not find any error in the order of the learned single Judge. The appeal is dismissed.

The State may pass any order preferably within a period of three months.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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