

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1038 of 2020

1. Rahul Kumar Son of Late Hare Krishna Prasad Resident of Mohalla- New Area, P.S.- Nawada, District- Nawada. At present residing at Mohalla Mastan Ganj P.S. and District- Nawada.
2. Satyendra Prasad Son of Mungeshwar Prasad Resident of Village- Hichchapur, P.S.- Konch, District- Gaya.
3. Raushan Kumar Son of Satish Chandra Resident of Village- Shreepur, District- Gaya.
4. Aarti Kumari Wife of Pramod Kumar, Daughter of Ram Surat Prasad Resident of Mohalla- Naresh Niket, East of Shiv Mandir, Srikrishna Nagar, P.S.- Auranga Bad District- Aurangabad.
5. Ramakshay Kumar Son of Jitan Mahto Resident of Village- Ghatera, P.S.- Guraru, District- Gaya.
6. Ayodhaya Singh Son of Mahavir Singh Resident of Village- Penda Pur, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Govt. of Bihar, having its office at New Secretariat, Patna.
2. The Director, Secondary Education, Bihar, Patna having its office at New Secretariat, Patna.
3. The District Education Officer, Gaya.
4. The District Program Officer, Secondary Education, (R.M.S.A.), District- Gaya.
5. The Head Master, Ram Sahay High School, Fatehpur, Gaya.
6. The Head Master, Gandhi High School, Konch, Gaya.
7. The Head Master, Nagarjun High School, Panari, Gaya.
8. The Head Master, Projects Girls High School, Mohanpur, Gaya.
9. The Head Master, plus 2 Sarvoday Vidya Mandir, Guraru, Gaya.
10. The Head Master, plus 2 High Sarvoday Vidya Mandir.
11. The University Grant Commission, through Union of India.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sinha, Advocate
For the State	:	Smt. Shilpa Singh (GA-12)
For the University	:	Mr. A.N.Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER



2 17-02-2020

Heard learned counsel for the parties.

The claim of petitioner nos. 1 to 5 is covered by the decision of this Court dated 14.10.2019 passed in CWJC No. 5236 of 2019 (Neeraj Kumar Vs. The State of Bihar & Ors.), Annexure-6 to this writ petition, which is quoted below:-

“The present writ application is filed for issuance of degree of M.Sc obtained by the petitioner from Vinayaka University, Salam, Tamil Nadu. For authenticity the court directed to impleadment of U.G.C. as respondent No. 6 vide order dated 25.07.2019. After scrutiny of its record the University Grant Commission has filed affidavit. In paragraph 5 of the affidavit U.G.C. has taken the following stand which quoted herein below for ready reference.

“The programme-wise recognition was accorded to it for three years from academic session 2011-12 to 2013-14 (Annexure R-6/2) for offering specific programmes. The Master of Science in Mathematics was also mentioned in the recognition letter for the academic session 2011-12 to 2013-14. No further recognition has been granted to it either by DEC or UGC to offer any programme through distance mode. It may be noted that for technical/professional education to be



offered through distance mode, approval of concerned apex regulatory body is required and for which responsibility rests with University concerned. However, AICTE vide public notice/ advertisement no. UB04(04)/2010 and again in 2011 notified their policy not to recognize the qualification acquired through distance education mode at Diploma, Bachelor & Masters level in the field of Engineering & Technology. A copy of the AICTE Public Notice No. UB04(04)/2010 is annexed as Annexure R-6/3.

In view of the categorical stand of the U.G.C. quoted hereinabove, the present writ application is disposed of. The respondents are directed to act in accordance with the stand of U.G.C. as quoted above and take final decision with regard to this petitioner within a maximum period of 60 days from the date of the receipt/production of a copy of this order.”

In view of the above, the present writ petition on behalf of petitioner nos. 1 to 5 is disposed of with direction to the respondents to take decision in the light of the above decision of this Court.

So far as the claim of petitioner no. 6 is concerned,



the respondents shall be at liberty to take appropriate decision after scrutiny as to validity of the degree of the petitioner no. 6 within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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