

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24389 of 2018

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Maharana Pratap College Mohania, Kaimur, Plot no. 68,69,70.71 Street no 11, Village-Post Mohania, Tehsil/taluka-mohania, town/City-Mohania Ps-Mohania, Disttict, Kaimur. Bihar Code of the Institution Code no. ERCAPP2515 Through its Signatory, Dr. Anil Kumar Singh Son of Vijay bahadur Singh G.T. Road, Mohania, Kaimur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Human Resource Department, Patna.
2. The Veer Kunwar Singh University, Through the Vice Chancellor Ara, Bihar,
3. The Vice Chancello Veer Kunwar Singh University Ara. Bihar,
4. THE REGISTRAR, Veer Kunwar Singh University, Ara, Bihar,
5. The Inspector of Colleges, Veer Kunwar Singh University, Ara, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.S.N. Pathak, Advocate
For the Respondent/s	:	Mr.P.N. Shahi, Sr. Advocate
		Mrs. Nutan Saha, Advocate
		Mr. Mukund Mohan, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 17-05-2021 Heard Mr. S.N. Pathak, learned counsel for the petitioner and Mr. P.N. Shahi, learned senior counsel appearing on behalf of the Veer Kunwar Singh University assisted by Mrs. Nutan Sahay and Mr. Mukund Mohan.

On 12.4.2021 this Court has passed the following order:

“Put up this case on 20th of April, 2021 within first five cases to enable the University to file counter affidavit.

It is to be noted here that the right and privilege



emanating from recognition/affiliation cannot be defeated on the ground that the University failed to conduct entrance test and therefore, the right of the institution in question to enroll students frustrated in view of the judgment of the Chief Justice Chagala in All India Groundnut Syndicate Ltd. Vs. Commissioner of Income Tax, Bombay City: AIR 1954 Bom. 232.

The Court hope and trust that the office of the Hon'ble Chancellor will also consider this aspect of the matter while considering the case of the University which is pending at the level of the Hon'ble Chancellor.”

Unfortunately, no decision was taken at the level of the Hon'le Chancellor whereas complication have been created by the office of the Hon'ble Chancellor. The office of the Hon'ble Chancellor is making toll claim that it is taking steps to streamline the academic calendar in the University.

From the present case it appears that the failure is on the part of the University to conduct entrance test for admission in M.Ed. course and the office of Chancellor remained passive spectator

In such situation, the Court is left with no option but to dispose of the writ application. Six weeks time is granted to



the office of Hon'ble Chancellor to adopt corrective measure and grant post facto approval to all the admission in the college in question in M.Ed. course as the institution has admitted the students and on account of failure on the part of the University to conduct entrance test. After expiry of six weeks from today it will be deemed that the office of the Hon'ble Chancellor has absolutely no objection to the admission of the students in M.Ed. course in the college in question.

With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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