

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15746 of 2021

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1. Md. Alimuddin, S/o Late Md. Faiyazuddin, Resident of Bashiruddin Manzil, C/o Shad Lodgin, Muradpur Lane, P.O. and P.S.-Bankipur, Patna-4.
 2. Manish Kumar S/o Ajay Kumar Gupta, Resident of Bihari Shaw Lane, P.O. and P.S.-Bankipur, Patna-4.
 3. Pappu Kumar Kashyap, Son of Kameshwar Ram Resident of Village-Dumari Pandey Tola, P.O.-Dumari Adda, P.S.-Daliganj, District-Saran-841216.
 4. Subodh Kumar S/o Chandra Bhushan Prasad, Resident of Village-Maniyari, P.O.-Mauru, P.S.-Kako District-Jahanabad-804408.
 5. Md. Aabid Hussain S/o Md. Qumnul Hoda, Resident of Aman Manzil, Darji Tola, Sabjibag, P.O. and P.S.-Pirbhore, District-Patna- 800004.
 6. Raushan Kumar S/o Ramchandra Mehta, Resident of Village-Srirampur, P.O.-Paheleja, P.S.-Sasaram (Rohtas)-821305.
 7. Nisan Kumar Raj S/o Sidhnath Singh Resident of Village-Dihuri, P.O.-Nauroo, P.S.-Parasbigha, District-Jahanabad.
 8. Manikant Kumar S/o Shailendra Kumar, Resident of Pula Khaddi Lodipur, Nalanda, Bihar Sharif-801301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna. (Vikas Bhawan) Bailey Road, Patna.
2. The Chairman of the University Grant Commission, New Delhi.
3. The Additional Health Secretary health Department, Vikash Bhawan, Patna.
4. The Principal Secretary Education Department, Vikash Bhawan, Bailey Road, Patna.
5. The Director, Public Health Institute Near PMCH, Patna-4.
6. The Registrar, Arabhatt Knowledge, University, Patna, Bihar.
7. The Vice Chancellor, Arabhatt Knowledge, University, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akhilesh Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Ajay Bihari Sinha (GA-8)
		Mr. Suryakant Kumar, AC to GA-8
For the University		Mr. Priyank Deepak, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA



ORAL ORDER

2 29-03-2022 The case is being taken up from defect side.

Learned counsel for the petitioners is directed to submit the original petition along with attested affidavits and also remove the defects pointed out by the Registry within two weeks from today.

The petitioner by way of this writ petition has prayed as under:-

(I) For issuance of writ of mandamus or any other appropriate directions for commanding the respondents no.2 to 7 to give similar benefit which has been given to other institution by the Union of India and University Grant Commission in all over India with regard to duration of course and the nomenclature of the degree as per the guideline of University Grant Commission as well as Ministry of Health and Family Welfare and the Model curriculum handbook “optometry”.

(ii) For issuance of any appropriate writ or to pass directions to commanding the respondent authority as to why they have not complied the order/guideline. Notification of Union of India or University grant commission. The same rule is applicable in whole of country “one nation one course”. The respondents are violating the article 14 of the constitution of India and they have not given similar treatment which has already been given by



the A.I.I.M.S., New Delhi and I.G.I.M.S., Sheikhpura, Patna and other institution who are providing such type of degree in India.

(iii) For issuance of any appropriate writ or to pass order/direction to commanding the respondents no.2 to 7 as to why they have not decided the legal claim of the petitioner, which has already been settled by the union of India or as per U.G.C. guideline. The respondents are compelling the petitioner to file this case before this Hon'ble Court which is against 4(c) (1) of the Bihar State Litigation Policy, 2011. The detail representation of the petitioner, itself very clear to decide the claim "one nation one course". As per the relevant documents of Union of India and to protect the future of the student. So that they may get job in State or anywhere in India.

(iv) For issuance of any appropriate writ or to pass an order as per the guideline of Union of India notification as well as University grant commission in which it has been prescribed duration of course and its nomenclature of degree which is binding in Indian institution and in the state of Bihar also.

(v) For issuance of any appropriate writ or to pass an order to the petitioner detail representation as per the guideline or to give similar benefit which has already been given by the Union of India and U.G.C. to other such type of institution.

Admittedly, the petitioner joined the course of



Bachelor of Ophthalmic Technology, which he has already completed. It appears that thereafter also joined course of Master of optometry & Ophthalmic Technology, which is being conducted by the University of Aryabhata, Bihar, Patna. Learned counsel submits that nomenclature of Bachelor of Ophthalmic Technology should be changed to Bachelor of optometry and Master of Optometry respectively in terms of the U.G.C. guidelines regarding specification of degree issued in the year 2014. Learned counsel also submits that such corrections have been made by other institutes and therefore the mandamus be issued for the said purpose.

In the considered opinion of this court, the prayer made by the petitioner cannot be granted by exercising powers under Article 226 of Constitution of India. The scope of writ jurisdiction would not extend to the stage of directing to university to change the nomenclature of the degrees awarded by it. It is in exclusive domain of the academic council and the senate of that particular university as to the nomenclature of the degrees awarded by it. It may be another case, the petitioner may claim for equivalence. However no such prayer is made in the present petition.

In view thereof, the writ petition is wholly



misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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