

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2620 of 2022

Vijay Sinha Son of Late Dr. Vidyadhar Prasad Resident of 186/C Vidyalay
Marg, Ashok Nagar, P.O.- Argora, District- Ranchi, Jharkhand

... .. Petitioner

Versus

1. The Hon'ble Chancellor, the Universities of Bihar Patna
2. Patna University, Patna through its Vice Chancellor
3. The Vice Chancellor, Patna University, Patna
4. The Registrar, Patna University, Patna
5. The Assistant Registrar, Patna University, Patna

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Chitaranjan Sinha, Sr. Advocate Mr.Satish Chandra Mishra, Advocate Mr.Md.Nasrul Huda, Advocate Ms.S. Nilambari, Advocate
For the Respondent/s	:	Mr.Rakesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-08-2023 Heard learned counsel for the petitioner and learned
counsel for the Patna University.

2. By filing this writ application, the petitioner is seeking a Writ in the nature of Mandamus directing the Respondent No. 4 i.e. the Registrar of Patna University, Patna to treat the date of registration of the petitioner in the Ph.D. course to be 02.02.2007 when over five candidates were cleared for the same and further Dr. Yogendra Prasad be made the Supervisor of the petitioner for his Ph.D. course in view of the order dated 19.07.2019 (Annexure '1') passed by the Chancellor of the University.



3. It appears from the materials on the record that by a detailed order as contained in Letter No. 800/RTIA dated 03.12.2008 the petitioner has been communicated about the decision of the Vice Chancellor, the Appellate Authority, Patna University in the matter of the request of the petitioner to allow him to do his Ph.D. in the Faculty of Engineering.

4. The reasoning and rationale provided in the letter (Annexure '4' to the writ application) are quoted hereunder for a ready reference:-

“The Registrar-cum-Public Information Officer informs that since the B.C.E. had been taken over by the Central Govt. on 28-01-2004 and declared NIT, hence the Faculty of Engineering of P.U. is only to do the works related to examination of engineering and Ph.D. registration prior to 02.02.2007. Further, this faculty was not included in the new Regulation of Ph.D. received from the Hon'ble Governor's Secretariat. The PGRC has already rejected the case of the appellant because of average (above 65 years) of the supervisor. He further says that after the declaration of NIT as Deemed University on 06.06.2007, the Faculty of Engineering of Patna University is not empowered to consider the case of Ph.D. registration. As regards the consideration of the request to refer the matter to the NIT for consideration with retrospective effect, the Registrar-cum-Public Information Officer informed that the NIT has been declared as Deemed University w.e.f. 06.06.2007 and



thereafter they will be governed by their own rules. The applicant should approach the NIT directly.”

5. The petitioner had raised his grievance before the Chancellor of the Universities and after hearing him and the Registrar of the Patna University, the Chancellor directed the University to examine the case of the petitioner in the light of five other candidates who were considered for the Ph.D. registration.

6. Learned counsel for the petitioner submits that the direction issued vide Annexure ‘1’ to the writ application was required to be complied with by the University but the case of the petitioner has not been examined, hence this writ application.

7. On the other hand learned counsel for the University submits that there are documents enclosed with the writ application itself which are Annexure ‘12 series’ it would appear that those five candidates were allowed registration some time in the year 1999 or 2002 and 2005. Case of this petitioner does not stand on similar footing. The University has already clarified vide Annexure ‘4’ that the Faculty of Engineering of Patna University is not empowered to consider the case of Ph.D. registration after 06.06.2007.



8. It is submitted that the petitioner had not given the correct statement of fact before the Chancellor of the Universities as a result of which a direction was issued to the University to examine the case of the petitioner, however, the fact remains that the learned counsel for the petitioner is not in a position to dispute from the records that the case of the petitioner stand on similar footing with the other five candidates. Moreover, it is noticed that at this stage, the Patna University would not be competent to register the petitioner for Ph.D.

9. It is not denied by learned counsel for the petitioner that after 06.06.2007 the Faculty of Engineering of Patna University is not empowered to consider the case of Ph.D. registration in the Faculty of Engineering.

10. In the kind of submissions and the materials available on the record, this Court finds no plausible reason to issue a Writ of Mandamus to the respondents.

11. This writ application cannot proceed. It is dismissed.

(Rajeev Ranjan Prasad, J)

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