

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6520 of 2023

1. Surya Kumar, Son of Ramashankar Khushwaha, Resident of Jaiprakash Nagar, P.S. Town, District-Siwan.
2. Vishal Singh, Son of Santosh Singh, Resident of Gullar Baga, English, P.S. Mairwa, District-Siwan.

... .. Petitioners

Versus

1. The Aryabhatta Knowledge University through its Vice Chancellor
2. The Registrar, Aryabhatta Knowledge University, Mithapur, Patna.
3. The Examination Controller, Aryabhatta Knowledge University, Mithapur, Patna.
4. Shyam Sai Institute of Education, Shyam Vedi Karom, Mairwa, Siwan through its Chairman.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Prashant Sinha, Advocate
For the University	:	Mr. Md. Nadim Seraj, Advocate
		Mr. Shahbaj Alam, Advocate
For Resp No. 4	:	Ms. Smriti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-07-2023 Heard Mr. Prashant Sinha, learned counsel for the petitioners, Mr. Nadim Seraj, learned counsel for the Aryabhatta Knowledge University (in short 'University') and Ms. Smriti Singh, learned counsel for the Shyam Sai Institute of Education (in short 'Institution') (respondent no. 4).

This writ application has been filed by the two petitioners who were admitted in B.Pharm course in the Institute, namely, Shyam Sai Institute of Education (respondent no. 4). They are seeking a direction to the respondents to allow the registration of the petitioners and conduct their examination



for the Academic Session 2021-22. At the same time, they are also praying for a direction to the respondent authorities to grant affiliation to the Institution for the Academic Session 2022-23. This Court has been informed that the B.Pharm course is of four years.

Learned counsel for the petitioners has taken this Court through the communication dated 22.12.2021 issued by the Registrar of the University in which it is stated that the University is granting provisional affiliation to the Institution for B.Pharm course for Academic Session 2021-22 subject to fulfillment of certain conditions. One of the conditions mentioned in paragraph '2' of the Annexure '4' is that "The Registration and Examination of admitted students shall be taken subject to issuance of No Objection Certificate from State Government to be submitted by the concerned college."

Learned counsel submits that the State Government took a lot of time in coming out with its no objection. The Government has vide Memo No. 302 dated 24.03.2023 (Annexure '6') granted 'No Objection Certificate' to the Institution w.e.f the Academic Session 2020-21 to conduct B.Pharm course and D.Pharm course with an intake of 60 students. The grievance of the petitioners is that even after the



issuance of the 'No Objection Certificate' vide Annexure '6' to the writ application, the University has not conducted examination of the petitioners for the Session 2021-22.

Mr. Nadim Seraj, learned counsel for the University submits that there was a delay on the part of the Government in issuing 'No Objection Certificate' as a result of which the University could not conduct the examination for the Session 2021-22 for this institution even though for other institutions, the examination has already been conducted in August, 2022.

So far as the question of affiliation is concerned, it is submitted that the extension of affiliation with respect to 2022-2023 is dependent upon the decision of approval of affiliation of the Institution for the Academic Session 2021-22 by the affiliating University. A meeting of the Board of Affiliation has been convened on 11.07.2023 (i.e. today), however, he has been instructed to inform this Court that the meeting of the Affiliation and New Teaching Programme Committee scheduled on 11.07.2023 at 03:00 P.M. has been postponed due to some unavoidable reasons.

Ms. Smriti Singh, learned counsel for the Institution (respondent no. 4) has submitted that because of the delay on the part of the Government, the students who have been admitted in



B.Pharm course have already suffered and if the examination for the Session 2021-22 is not conducted immediately, they are likely to remain in uncertainties and may lost their valuable time. Similarly, the issue relating to extension of affiliation is required to be considered urgently.

Having heard learned counsel for the petitioners, University and the Institution as also having given anxious consideration to the issue which is involving the fate of the students of the Institution, this Court is of the considered opinion that for the delay on the part of the State Government in issuing 'No Objection Certificate', the petitioners have already suffered in their studies because the examination for the Session 2021-22 has yet not been taken.

This Court, therefore, directs the Vice Chancellor, Registrar and Examination Controller of Aryabhatta Knowledge University, Patna (respondent nos. 1 to 3) to come out with a programme to conduct the examination within a period of two months from the date of receipt/communication of a copy of this order. This order is being passed as before this Court no other impediment has been argued to say that there is any difficulty on the part of the University in conducting the examination.

So far as the question of extension of affiliation is



concerned, for any reason if the meeting of the Affiliation Committee is being postponed today, this Court directs the respondents that they should take into consideration the fact that the students cannot be allowed to remain in uncertainties as they have already remained for all these years. The Affiliation Committee must convene and hold a meeting within a period of one week from today and take appropriate decision with regard to extension of affiliation of the Institution. Let such decision be communicated to the Institution accordingly.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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