

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9341 of 2023

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1. Vishnu Kumar Son of Sushil Ray, R/o Mahammadpur Badal, Muzaffarpur, Bihar-843119.
 2. Chandrabhanu Singh S/o Ramanand Singh, R/o 38, Mura Mohanpur, Malpur, Agrail, Muzaffarpur, Bihar-843104.
 3. Ajay Kumar S/o Rajkishor Prasad, R/o Sutihara Aima, Muzaffarpur, Chapra Megh, Bihar-843119.
 4. Sanjeev Kumar S/o Anil Prasad, R/o Village and Post- Mahadeiyan, P.S.- Minapur, Mahdaya, Muzaffarpur, Bihar-843128.
 5. Dileep Kumar S/o Shatrudhan Yadav, R/o Kabirchak, P.O.- Kabirchak, Darbhanga, Bihar-846009.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Education Department, New Secretariat, Bihar, Patna.
2. The Director, Higher Education, Bihar, Patna.
3. The Project-in-Charge, S.P.M.U., Patna.
4. Muzaffarpur College of Professional Education, Narshingpur, Muzaffarpur through its Managing Trustee Rajeev Kumar, S/O Late Dashrath Prasad Singh, R/O 378A, Laxmi Narayan Nagar Road No. 7, Near Nayandeep Eye Hospital, P.S. Mithunpura, R.K. Ashram, Muzaffarpur, Bihar-843116.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate
For the Respondent/s : Mr. Jitendra Kr. Roy 1, SC13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-09-2023 Learned counsel for the intervenor is directed to make necessary corrections in the prayer portion of the Interlocutory Application No. 01 of 2023.

2. Heard learned counsel for the petitioners, learned counsel for the proposed intervenor in I.A. No. 01 of 2023 and learned counsel for the State.

3. The college in question has filed the interlocutory



application to be impleaded as intervenor-respondent in the instant case. The intervenor is the college and is supporting the case of the petitioner, therefore, this Court directs the intervenor to be added as party-respondent no. 4.

4. This writ application has been filed for the following reliefs:

(i) For issuance of an appropriate writ/writs in the nature of mandamus commanding and directing the respondents to grant loan to petitioners for B. Pharma course under Bihar Student Credit Card Scheme for academic session 2020-21 and give age relaxation to the petitioner students so that the benefit of the scheme can be granted to them as they were eligible on the date the portal for applying for student credit card scheme was abruptly was closed without assigning any reason.

(ii) Further for a direction to the respondents to dispose of the representation and reminder dated 16.11.2022 sent by the college of the petitioners to the respondent Project-in-Charge, SPMU to add the B. Pharma Course from the academic session 2020-21 in MNSSBY portal which has been removed abruptly without assigning any reason.

The poor intelligent students took admission in Muzaffarpur College of Professional education in academic session 2020-21 in the hope and assurance that they will get loan under MNSSBY scheme and for which the portal of respondents was earlier functioning but all of a sudden on 22.07.2022, the respondents removed the name of the college of petitioners from the portal, as a result the petitioner students could not apply and meanwhile the age of the petitioners has also surpassed the prescribed age on 25 years.



There is no fault on the part of petitioners rather without any rhyme and reason the respondents have abruptly withdrawn the B. Pharma Course from MNSSBY Portal which caused question mark on the future of petitioner students who have taken admission in hope that they will complete course after taking loan under “Bihar Students Credit Card”.

(iii) For any other relief/reliefs for which the petitioner is entitled to get in the facts and circumstances of the case.

5. Learned counsel for the petitioners submits that the college in question is imparting education in B. Pharma and is recognized by Pharmacy Council of India. The State of Bihar has come out with a scheme known as “Bihar Students Credit Card Scheme” to provide financial assistance to the students who are in need of financial assistance to pursue the professional courses.

6. It is stated that under the aforesaid scheme, applications were invited from the eligible candidates online and for that purpose, a portal was open for the concerned college to make application of the students who wanted to get loan under the scheme. The grievance of the petitioner is that all of a sudden, on 22.07.2022, name of the college was removed from the portal as a result whereof, the students who were eligible at the relevant time to apply for loan could not make their application.



7. Learned counsel for the college submits that the name of 39 students could not be uploaded on the website portal. The college wrote letter dated 16.11.2022 but the same was not considered. A copy of the same has been brought on record as Annexure to the interlocutory application.

8. Learned counsel for the petitioners submits that in the meantime, the students of the college have also surpassed the prescribed age of 25 years. Referring to a judgment of this Court in the case of **Champan College of Pharmacy vs. The State of Bihar and Others** in CWJC No.5343 of 2023 along with CWJC No.1012 of 2023 and CWJC No.1662 of 2023, learned counsel for the petitioners as well as the college submit that the Competent Authority of the Department of Education, Government of Bihar, be directed to consider the case of the petitioners and the college in the light of the judgment of this Court in the aforesaid cases.

9. Learned counsel for the State submits that at this stage, he has no instruction, however, he would have no objection if this Court directs the competent authority to look into the grievance of the petitioners and examine the same for the purpose of redressal of the grievance keeping in view the judgment of this Court.



10. Having regard to the aforementioned submissions and the materials available on the record, this Court directs the Director (Higher Education) respondent no. 2 to consider the case of the petitioners and the college as stated above and pass a reasoned order thereon keeping in view the judgment of this Court rendered on 24.07.2023 in **CWJC No. 5343 of 2023 (Champaran College of Pharmacy versus the State of Bihar).**

11. Let such decision be taken within a period of one month from the date of receipt/ communication of a copy of this order.

12. If it is found that on the date the name of the college was removed from the portal, the petitioners or any other similarly situated student of the college were eligible to apply under the scheme, they will be given the benefit of the scheme after allowing them to apply under the scheme.

13. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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