

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9754 of 2023

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1. Sumit Kumar Singh S/o Satyanand Singh, Resident of Village-Majhiawan, P.S.-Charpokhari, District-Bhojpur.
 2. Sanjeet Pandit, S/o Rajendra Pandit, Resident of Village-Hat Pokhar, P.S.-Jagdishpur, District-Bhojpur.
 3. Sunil Kumar, S/o Vinod Prasad Singh, Resident of Village-Akashi, P.S.-Agrer, District-Rohtas.
 4. Amit Kumar Mishra, S/o Brij Bhushan Mishra, Resident of Village-Dilia, P.S.-Chauri, District-Bhojpur.
 5. Sardar Guruprit Singh, S/o Sardar Birendra Singh, Resident of Village-Madar Darwaza, Sonarpatti, P.S.-Sasaram, District-Rohtas.
 6. Ramesh Kumar, S/o Birendra Prasad, Resident of Village-Jamua, P.S.-Bihiya, District-Bhojpur.
 7. Neeraj Kumar, S/o Kamlesh Prasad, Resident of Village-Pipara Jagdish, P.S.-Bihiya, District-Bhojpur.
 8. Shyam Narayan Pandey, S/o Dudheshwar Pandey, Resident of Village-Tetariya, P.S.-Ara Mufassil, District-Bhojpur.
 9. Pravin Kumar, S/o Vishwamitra Mishra, Resident of Village-Karnamepur, P.S.-Shahpur, District-Bhojpur.
 10. Vivek Mishra @ Vivek Kumar, S/o Santosh Pal, Resident of Village-Maira, P.S.-Dinara, District-Rohtas.
 11. Subham Kumar Dubey, S/o Pradeep Kumar Dubey, Resident of Village-Chibiliya Tiwari Dih, P.S.-Piro, District-Bhojpur.
 12. Rahul Kumar, S/o Lakshman Prasad Prajapati, Resident of Village-Mokaram, P.S.-Kudra, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
4. Veer Kunwar Singh University, Ara through its Vice Chancellor, Ara.
5. The Vice Chancellor, Veer Kunwar Singh University Ara
6. The Registrar, Veer Kunwar Singh University Ara
7. The Controller of Examination, Veer Kunwar Singh University, Ara

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
Mr. Raushan Raj, Advocate
For the State : Mr. Rajeev Ranjan Prasad, AC to GP-20
For V.K.S. University : Mr. Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-07-2023 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the University.

2. This matter has been taken up for consideration.

3. Petitioners, in the present case, are seeking the
following reliefs:-

“A. For issuance of a writ in the nature of
mandamus or any other appropriate writ, or
order/s, direction commanding the respondents for
the followings:-

I. To supply/to provide the original graduation
degree/certificate to the petitioners forthwith as the
petitioners are in great need of their original
documents for their documents verifications in
connection with their employment.

II. To hold that the respondents are not entitled to
withhold the original graduation degree/certificate
of the petitioners for such a long period as the
petitioners have appeared and passed their
graduation examination sponsored/conducted by
the respondent no.4.

III. To compensate the petitioners suitably for the
loss, if any, suffered by them on account of non
supply of the certificates in question.

B. For any other relief/s to which the petitioner is
found entitled to.”



4. Learned counsel for the petitioners has relied upon a judgment of this Court in CWJC No.18035 of 2022 and a recent judgment in CWJC No.8065 of 2023 whereby and whereunder similar matters were considered and disposed of with a direction to the University to make available the original marksheet and other certificates to the petitioners. In the present case the petitioner nos.1 to 10 are of the session 2015-18, petitioner nos.11 and 12 were admitted in the session 2016-19 and 2017-20 respectively. It is their common case that they were admitted in different graduation courses in the private colleges of the University and the University allowed these colleges to take admission of the petitioners for pursuing their respective graduation courses.

5. The petitioners were supplied their admit cards for the first year and second year examination by the University which they passed and thereafter the petitioners appeared in the final year examination of the graduation courses conducted by the respondent University and they were declared successful. The respondent University supplied them consolidated marksheets showing them to have passed their graduation courses. The University also supplied provisional certificates/degrees to the petitioners showing that the



petitioners have passed their respective graduation courses.

6. It is the case of the petitioners that the petitioners being eligible for recruitment in the Railway Recruitment Boards, participated in the selection process which was undertaken under Employment Notice CEN-01/2019. The petitioner nos. 1 to 8 have been finally selected for their employment in Indian Railway and they have received the call letters for document verifications. It is under these circumstances, the petitioners who were selected by the recruitment Board required their original certificates. Similar is the position with other petitioners as they are also appearing in different competitive examination.

7. Learned counsel for the petitioners submits that it would appear from the letter no.267 dated 29.08.2022 (Annexure- '8' to the writ application) that the University has written to respondent no.3 to grant permission for issuing original certificates to the students for the academic session 2015-2018, 2016-2019 and 2017-2020 by granting one time affiliation with retrospective effect to the colleges which at the relevant time were not affiliated with the University.

8. Learned counsel for the University admits that the facts of the present case are identical to a recently decided case



being CWJC No.8065 of 2023 disposed of vide judgment/order dated 13.07.2023.

9. In view of the admitted position that the case is covered by the previous judgment of this Court in CWJC No.8065 of 2023, this Court deems it just and proper to reproduce the operative part of the order of CWJC No.8065 of 2023 as under:-

“10. Having heard learned counsel for the parties and upon perusal of the records, this Court finds from the pleadings as well as the Annexures in support thereof that Veer Kunwar Singh University, Ara (Bihar) has allowed the petitioner to appear in the examination held for the three-year degree course. The University has also published his result and has issued marksheet. The petitioner has been declared passed in 1st class. The petitioner has been further issued a provisional certificate bearing certificate no.-18000221000001 certifying his role code, roll number and registration number. Further, the Controller of Examination of the University who has signed the provisional certificate has declared the petitioner passed in Bachelor of Science Examination in Physics (Hons.) of the year 2018 held in the month of October, 2018 and that the petitioner was placed in 1st class. Thus, for the entire three years the petitioner was allowed to continue with his studies, to appear in the examination and his result was also published.

11. On the face of the aforementioned materials



available on the record, this Court is of the considered opinion that in the name of pendency of the request/recommendation of the University with the State Government to grant affiliation to the college or the course for the given period, the petitioner cannot be deprived of his original marksheet and the certificates. Silence on the part of the State Government or inaction on its part despite the directions of this Court by way of judicial pronouncements are to be taken seriously. This Court cannot, in the present circumstance, keep on issuing directions to the State Government to consider the issue of affiliation in this case as one time measure. Enough opportunity has been granted to the State and this Court expressed its hope and trust in the Department.

12. Despite all such directions and expectations of the Court, in the facts of this case, if the State Government is not acting and the career/future of the students such as the petitioner is likely to be ruined in absence of the original certificates, this Court cannot remain a mute spectator.

13. This Court being a Constitutional Court is of the opinion that once the University has issued the provisional degree certificate and marksheet to the petitioner, by no means the University can be allowed to sit over the matter and withhold the issuance of original marksheet and degree certificate to the petitioner in the name of permission from the State Government.

14. An order of restraint, if any, against the University in the matter of issuance of original



marksheet and degree certificate would not operate in the facts and circumstances of the present case.

15. In the facts of the present case as noticed above, thisCourt directs respondent nos. 4 and 5 to issue original marksheet and degree certificate etc. to the petitioner within a period of one month from the date of receipt/communication of a copy of this order.”

10. This writ application is being disposed of in terms of the order of this Court in CWJC No.8065 of 2023.

(Rajeev Ranjan Prasad, J)

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