

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10254 of 2023

=====

Neha Kumari D/o Amarnath Tiwari, Resident at Vill, Post and P.S.-
Kuransarai, District- Buxer.

... .. **Petitioner**

Versus

1. The Director, Sundram Institute of Medical Science, Gaurichak, Gaya Road, District- Patna- 800007
2. The Principal, Sundram Institute of Medical Science, Gaurichak, Gaya Road, District- Patna- 800007.
3. The State of Bihar Through the Addl. Chief Secretary, Health Department, Govt. of Bihar, Patna.
4. Vice Chancellor Aryabhatta Knowledge, University, Mithapur Farm Area, Mithapur, Patna-800001
5. The Principal Secretary, Department of Health, New Secretariat Bihar, Patna
6. The Deputy Secretary to Govt. of Bihar, Health Dept., Govt. of Bihar, Patna.

... .. **Respondents**

=====

Appearance :

For the Petitioner	:	Mr.Md. Mokhtar Ansari, Advocate
For the State	:	Mr.Ajay Behari Sinha, GA-8 Ms.Seema Ghazala, AC to GAP-8
For the A.K. Univ.	:	Mr.Md. Nadim Seraj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 17-08-2023

Heard learned counsel for the petitioner, learned counsel for the Aryabhatta Knowledge University, Patna and learned counsel for the State.

2. The petitioner, in the present case, is seeking a writ in the nature of writ of Mandamus or any other appropriate writ or writs, order or direction commanding the respondents to direct the respondents to permit the petitioner to appear in the



examination of B-Pharma First Year in Session 2022-2026 exam proposed to be held from 02.08.2023 by which the respondent no. 1 and 2 orally prevented to registration and appearing from the examination.

3. Mr. Nadim Seraj, learned counsel for the Aryabhatta Knowledge University, Patna (in short the 'University') has placed before this court a copy of the e-mail sent by the University to the respondent Institution wherein the respondent Institution has been directed to appear in the present proceeding. Despite the aforesaid communication, the respondent no. 1 & 2 who are the Director of Sundram Institute of Medical Science, Gaurichak, Gaya Road, District – Patna and the Principal of the same Institute respectively have chosen not to appear in this Court.

4. Since 27th July, 2023, this Court has taken various steps to procure the appearance of respondent nos.1 and 2 so that this writ application may be heard and disposed of after hearing the concerned respondents. There is an affidavit on the record filed on behalf of the petitioner saying that the respondent no. 1 and 2 refused to receive the notice sought to be served by virtue of this Court order dated 27.07.2023.

5. Under these circumstances, this Court while taking



note of the conduct of respondent nos. 1 and 2 is of the considered opinion that their conduct is not only liable to be deprecated but is also liable to be subjected to cost as the writ application has been listed and are being adjourned giving them opportunity to appear but they are not putting their appearance.

6. This Court, therefore, imposes a cost of Rs. 25,000/- (Rupees Twenty Five Thousand) upon respondent nos. 1 and 2 which they would be liable to deposit with the Patna High Court Legal Services Authority within a period of two weeks from today, failing which appropriate measures shall be taken to realise this amount. Registry shall report if the order is not complied with within the given period.

7. In the aforementioned circumstances, this writ application has been taken up for consideration in absence of any stand of respondent nos. 1 and 2.

8. Learned counsel for the petitioner has placed before this Court a copy of the communication of the Institute through it's Principal issued on 12.08.2023 from which it appears that application for registration of the petitioner in B-Pharma Course has been made to the University on 27th November, 2022 and the examination form of B-Pharmacy 1st Semester examination 2022 has also been successfully applied through Aryabhata



Knowledge University, Patna.

9. The communication dated 12.08.2023 reveals that there is some issue with regard to some pending dues of the Institute. This Court would not go into the issue of pending dues in the present writ application.

10. Since the examination is now fixed from 23rd August, 2023, this Court directs the University and the College both to ensure that the petitioner gets her admit card well before the start of the examination and is allowed to take her examination without any hindrance.

11. This Writ Application is being disposed of with the aforesaid directions.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.08.2023
Transmission Date	

