

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11528 of 2023

1. Jyoti Pakash S/o Vijay Kumar Rai, Resident of Village-Basra, P.S.-Sikrahata, Distict-Bhojpur.
2. Poonam Kumari, D/o Ram Murat Ram, Resident of village-Dhibra, Near DSP Niwas, P.S.-Bikramganj, District-Rohtas.
3. Amrendra Kumar, s/o Shivgilash Ray, Resident of Village-Pachimi Bharauli, P.S.-Nawanagar, District-Buxar.
4. Md. Numan Ansari, S/o Aslam Ansai, resident of Village-Dhanaw Khas, P.S.-Nasriganj, District-Rohtas.
5. Aaditya Kumar, S/o Kameshvar Singh, resident of Village-Pakhanari, P.S.-Sheosagar, District-Rohtas.
6. Prabhat Kumar, S/o Baban Prasad Singh, Resident of Village-D.M. Colony, House No. a/18, Sher Shah Tomb, P.S.-Sasaram, District-Rohtas.
7. Durgesh Kumar, S/o Rama Shankar Singh, Resident of Village-Akashi, P.S.-Agrer, District-Rohtas.
8. Pankaj Choubey, S/o Jitendra Choubey, Resident of Village-Bidaman Chak, P.S.-Ramgarh, District-Kaimur (Bhabua).
9. Hariom Sharma, S/o Gupteshwar Sharma, Resident of Village-Giridhar Baraon, P.S.-Nawanagar, District-Buxar.
10. Azad Kumar, S/o Manoj Narayan Singh, Resident of Village-Chuna Bhattha, Jagdev Bauliya Chowk, P.S.-Sasaram, District-Rohtas.
11. Dhiraj Kumar, S/o Surendra Prasad Keshri, Resident of Village-Barki Singhi, Near Maszid, Ward No. 01, P.S.-Ara Town, District-Bhojpur.
12. Sunny Keshri, S/o Subodh Keshri, Resident of Village-Mahajan Toli No. 1, Near State Bank, P.S.-Ara Town, District-Bhojpur.
13. Vikash Kumar Singh, S/o Upendra Singh, Resident of Village-Gausganj, P.S.-Ara Town, District-Bhojpur.
14. Ritesh Kumar Singh, S/o Upendra Singh, Resident of Village-Gausganj, P.S.-Ara Town, District-Bhojpur.
15. Dipshikha Yadav, D/o Shivjee Yadav, Resident of Village-Badkarajpur, Ward No. 04, P.S.-Simri, District-Buxar.
16. Priyanshu Kumar Thakur, S/o Sudhir Kumar Thakur, Resident of Village-Gaura, P.S. Bihiya, District-Bhojpur.
17. Utkarsh Kumar, S/o Baban Prasad Singh, resident of Village-D.M. Colony, Faizalganj, P.S.-Sasaram, District-Rohtas.
18. Shashi Ranjan Kumar, S/o Ram Murat Ram, Resident of Village-Dhibra Mohala, Tenduni, P.S. Bikramganj, District-Rohtas.
19. Pawan Kumar Singh, S/o Tribhuwan Singh, resident of Village-Sohada, Danwar, P.S. Kachhawan, District-Rohtas.
20. Ajay Kumar Patel, S/o Vishva Vijay Chaudhary, Resident of Village-Mangolpur P.S. Itarahi, District-Buxar.



21. Abhishek Kumar, S/o Saroj Kumar Singh, Resident of Village-Girdhariya, P.S. Sheusagar, District-Rohtas.
22. Siteswar Yadav, S/o Ram Lal Yadav, Resident of Village-Saiya Dera, P.S. Shahpur, District-Bhojpur.
23. Ramu Kumar, S/o Rajkumar Singh, Resident of Village-Bhopatpur, P.S. Mohania, District-Kaimur (Bhabua).
24. Brijesh Kumar, S/o Rajbihari Singh, Resident of Village-Etaunha, Mariyan, P.s. Nawanagar, District-Buxar.
25. Ashutosh Kumar, S/o Dadan Roy, Resident of Village-Shahpurpatti, P.S. Shahpur, District-Bhojpur.
26. Rukhsana Khatoon, D/o Akbar Ansari, Resident of Village-Derhgaon, P.s. Dawath, District-Rohtas.

... .. Petitioners

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

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Madhaw Pd. Yadaw, GP-23 Mr. Arvind Kumar, AC to GP-23
For the University	:	Dr. Anand Kumar, Advocate Mr. Ramesh Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Veer Kunwar Singh University (hereinafter referred to as the 'University').

2. The 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 have passed their graduation examination conducted by the respondent Veer Kunwar Singh University, Ara (the respondent no. 4) and they have been supplied their consolidated mark sheets and provisional certificates of their graduation courses.

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.”

3. Learned counsel for the petitioners submits that these petitioners are the students of the University. They were admitted in different graduation courses in private colleges of the University during academic sessions of 2015-18 and session 2016-19. Two petitioners who are petitioner nos. 21 and 22 had taken admission in the session 2017-20.

4. Learned counsel submits that these petitioners were allowed to take admission in the private colleges and they were also allowed to participate in the examination of the graduation courses conducted by the respondent University. The petitioners



were declared successful and the respondent University has supplied them consolidated marksheet showing them to have passed their graduation courses. They have also been supplied provisional certificates/degrees showing that the petitioners have passed their respective graduation courses.

5. Learned counsel for the petitioners submits that by virtue of their graduation degree, the petitioners have appeared in different competitive examinations. For instance, it is stated that petitioner no. 1 has been selected for the post of Librarian under the select list dated 27.07.2023 published by Navodaya Vidyalaya Samiti, petitioner no. 20 has appeared in Preliminary and Mains Examination of Bihar Public Service Commission and petitioner no. 15 has appeared in the Mains Examination of Bihar Staff Selection Commission. It is stated that they are in dire need of the original graduation degree for document verification.

6. Learned counsel submits with reference to the letter dated 13.11.2022 (Annexure '7' to the writ application) that the respondent no. 5 has requested respondent no. 3 to issue direction for supply of original certificates to the concerned students by granting one time affiliation to the unaffiliated colleges for the sessions 2015-18, 2016-19, 2017-20. It was brought to the notice of respondent no. 3 that pursuant to the direction of the Government, the students of the unaffiliated colleges of these three



sessions were tagged with the nearby colleges and their examination was conducted by the University and the results have also been published. Despite the letter as contained in Annexure '7' to the writ application, no direction has been issued as yet by the concerned authority, as a result whereof, the petitioners are deprived of getting their original degrees/certificates by respondent no. 2 and for this reason, the career of 1,70,000 students including these petitioners are at stake.

7. Learned counsel for the petitioners has also drawn the attention of this Court towards the decision taken by the Magadh University in the light of the order dated 28.06.2019 passed by this Court in CWJC No. 9336 of 2019. It is stated that even recently this Court has passed orders in CWJC No. 18035 of 2022, CWJC No. 8065 of 2023 and CWJC No. 9754 of 2023 directing the respondent University to issue original graduation certificate within a period of one month from the date of receipt/production of a copy of the order.

8. Dr. Anand Kumar, learned counsel for the University submits that presently he has not verified whether the case of the petitioners would stand on similar footing with those who were petitioners in the other writ applications, copies of the judgments of which have been enclosed by the petitioners as Annexures '11', '11/1' and '11/2' respectively, however, learned counsel submits



that this writ application may be disposed of in similar terms leaving it open to the University to consider the case of the petitioners, if similarly situated, in similar terms as have been done in the cases of the other petitioners.

9. Having regard to the facts stated in the writ application and the views expressed by this Court on earlier occasion in its judgments present at Annexures '11', '11/1' and '11/2', this writ application is being disposed of with a direction to the Vice-Chancellor and the Registrar of the Veer Kunwar Singh University to examine the case of the petitioners in the light of the judgments of this Court in the aforementioned cases particularly in the light of the judgments contained in Annexures '11', '11/1' and '11/2' and in case, it is found that the case of the petitioners is similarly situated, the said respondents shall issue original marksheets and degree certificates etc. to the petitioners within a period of one month from the date of receipt/communication of a copy of this order.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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