

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11712 of 2023

1. Pravin Kumar Son of Shri Suresh Prasad @ Suresh Prasad Malakar, resident of Village-Sohani Patti, Police Station-Model Town Buxar, District-Buxar.
2. Larvin Kumar, son of Shri Suresh Prasad @ Suresh Prasad Malakar, resident of Village-Sohani Patti, Police Station-Model Town Buxar, District-Buxar.
3. Chitra Kumari, Daughter of Shri Suresh Prasad @ Suresh Prasad Malakar, resident of Village-Sohani Patti, Police Station-Model Town Buxar, District-Buxar.
4. Master Sonu, son of Suresh Kumar, resident of Vilalge-Dharmaraichak, P.S. and District-Lakhisarai.

... .. 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, Bihar.
6. The Registrar, Veer Kunwar Singh University, Ara, Bihar.
7. The Controller of Examination, Veer Kunwar Singh University, Ara.

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Suresh Mishra, Advocate
For the State	:	Mr.Arvind Kumar, AC to GP-23
For the V.K.S. University:		Dr. Anand Kumar, Advocate
		Mr.Ramesh Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioners and learned
counsel for the Veer Kunwar Singh University, Ara.

Petitioners, in the present case, are seeking the
following relief:-

“A. For issuance of a writ in the nature of



mandamus or any other appropriate writ or order/orders, direction/directions in the nature of mandamus directing the respondent authorities for the following:-

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 petitioners are found to be entitled.”

Learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the judgment passed by this Court in C.W.J.C. No. 8065 of 2023 (*Bintesh Kumar Rai Vs. The State of Bihar and others*).

Learned counsel for the University has no objection to the disposal of the present writ application in terms of the judgment of the said case.

In the given circumstance, this Writ Application is being disposed of in terms of the judgment of this Court passed



in C.W.J.C. No.8065 of 2023 (*Bintesh Kumar Rai Vs. The State of Bihar and others*). The operative part of the said judgment reads as under:-

“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, this Court 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.”

(Rajeev Ranjan Prasad, J.)

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