

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11912 of 2023

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Rashmi Kumari Wife of Kripa Shankar Resident of Village-Chahuta, Post-Chahuta, P.S.,-Aurai, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. Chancellor of Universities, Raj Bhawan, Patna.
3. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar.
4. Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
5. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Bipin Chandra, Advocate
For the Chancellor	:	Mr. Rana Vikram Singh, Advocate
For the University	:	Mr. Binay Kumar Singh, Advocate
For the State	:	Mr. Hari Mohan, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2023 Heard the learned counsel for the petitioner, learned counsel for the State and the learned counsel for the Chancellor of Universities.

2. Petitioner in the present writ application is seeking a direction to the respondent authority to issue the original certificate of the petitioner who claims to have passed the B.Ed Special Examination (hearing impairment) 2013-14 held in the month of September, 2015.

3. It is the case of the petitioner that she was admitted in B.Ed Special Course in the Academic Session 2013-14 and was allowed to fill up her examination form through her



institute. Admit cards were issued by the University for appearing in B.Ed Special Examination which was scheduled on 15.09.2015. She appeared in the said examination and passed it.

4. The petitioner further states that on the basis of her B.Ed special examination result, she got provisional certificate from the Babasahed Bhimrao Ambedkar Bihar University which was issued on 2nd of March, 2017. A copy of the provisional certificate of B.Ed Special Examination, 2015 has been annexed as Annexure '5' to the writ application. It is also submitted that the course in which the petitioner had applied for pursuing her studies has already been approved by the Rehabilitation Council of India, which is the apex regulating body. A submission has been made that the course pursued by the petitioner is technical in nature and it is a matter contained in entry 66 list-I read with entry 25 of list-III of Seventh Schedule of the Constitution of India. hence according to the petitioner, the Union Government is only competent to make law on that subject and any law of the State Government running parallel has to give way to the Union made law. It is thus submitted that once the Rehabilitation Council of India has already approved the course, the action of the respondent-University as well as the Office of Hon'ble Chancellor of the Universities, Vice-Chancellor and



Registrar of the Babasahed Bhimrao Ambedkar Bihar University in withholding the original degree of the petitioner is only without jurisdiction.

5. Learned counsel submits that this case would be covered by the judgment of this Court rendered on 26.07.2023 passed in CWJC No. 16950 of 2019, therefore it may be disposed of in terms of the said order.

6. Learned counsel for the State as well as the Chancellor of the Universities are present.

7. Having regard to the kind of submissions made before this Court, this Court directs the University and the authorities to examine the case of the petitioner in the light of the judgment of this Court rendered in CWJC No. 16950 of 2019 and in case it is found that the case of the petitioner would be covered by the judgment of this Court, similar benefit shall be given to the petitioner as well.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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