

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13146 of 2023

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Bipul Kumar S/o Satyendra Narayan Singh Resident of Village-Baruna,
Ward No. 07, P.S.-Akodhi Gola, District-Rohtas

... .. **Petitioner**

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.
8. The Union of India, through D.I.G., Group Centre, C.R.P.F. Amethi (U.P.)
9. The D.I.G. Group Centre, C.R.P.F. Amethi (U.P.)

... .. **Respondents**

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Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar, Advocate Mr.Raushan Raj, Advocate Mr.Bharti, Advocate
For the VKS University	:	Mr.P.K. Verma, Sr. Advocate Dr. Anand Kumar, Advocate
For the State	:	Mr.Jitendra Kumar Roy 1, SC-13
For the U.O.I.	:	Mr.K.N. Singh, ASG Mr.Sriram Krishna, AC to ASG Mr.Prabhat Kr. Singh, AC to ASG

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 18-09-2023

On the request of learned counsel for the petitioner, this Court permits him to add the Union of India and the D.I.G. Group Centre, Amethi (U.P.) as party respondent nos. 8 & 9 respectively.

2. Dr. K.N. Singh, learned Additional Solicitor General



assisted by Mr. Sriram Krishna, learned counsel takes notice for respondent nos. 8 & 9.

3. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Union of India as also learned counsel for the Veer Kunwar Singh University, Ara.

4. Petitioner, in the present writ application, is 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 following:-

I. To supply/to provide the original graduation degree/certificate to the petitioner forthwith as the petitioner has passed his graduation examination conducted by the respondent Veer Kunwar Singh University, Ara (the respondent no. 4) and he has been supplied his consolidated mark-sheet and provisional certificate of his graduation course.

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

III. To compensate the petitioner suitably for the loss, if any, suffered by him on account of non supply of the certificate in question.

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

5. Learned counsel for the petitioner submits that this petitioner was admitted in graduation course during the academic session 2016-19 in R.K.S. College, Dalmia Nagar which is a private college. The University had allowed the college to take admission and, in fact, after the petitioner



pursued his course, he was allowed to take his first year and second year examination by the University, which he passed. He took admission in the third year and appeared in the final year (Part 3rd examination) for which the admit card was issued under the signature of respondent no. 7. It is further submitted that the petitioner passed his final year examination of the graduation course and the University issued a consolidated mark-sheet of the petitioner, copy of which is available as Annexure 'P/2' to the writ application.

6. The grievance of the petitioner is that even as he has been supplied the provisional certificate/degree, the University has yet not made available the original certificates.

7. The petitioner has been selected for the post of Sub-Inspector in Central Reserve Police Force (in short the 'CRPF') in the examination conducted by the Staff Selection Commission and he has received a selection letter dated 28.09.2023 by the D.I.G., Group Centre, CRPF, Amethi (U.P.).

8. It is submitted that if the University does not supply the original graduation degree/certificates to the petitioner, he may be deprived of his opportunity of getting employment.

9. Learned counsel submits that respondent no. 5 has vide his letter no. 380 dated 13.11.2022 requested the



respondent no. 3 to give directions to issue original certificates to the concerned students by granting one time affiliation to the unaffiliated colleges for the sessions 2015-18, 2016-19 and 2017-20. The government was also informed that the students of unaffiliated colleges for all these years were tagged with the nearby Government colleges and their examination was conducted by the University and the results have already been published.

10. It is submitted that till date the Government has not responded. Because of this inaction on the part of the Government, the career of about 1,70,000 (One Lakh Seventy Thousand) students including the petitioner are at stake.

11. It is further submitted that in a similar situation the students of Magadh University, Bodh Gaya were given one time affiliation by the Education Department, Govt. of Bihar vide Memo No. 15 dated 19.07.2019. This decision was taken in the light of the judgment of this Court in CWJC No. 9336/2019. Further, it is stated that in the case of B.N. Mandal University, the Hon'ble Division Bench has granted reliefs to some of the similarly situated students in LPA No. 1145/2001.

12. Learned counsel submits that this Court has recently passed orders in CWJC No. 18035/2022 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. Similar kind of orders passed by this Court in CWJC No. 8065/2023 and CWJC No. 9754/2023 have been placed before this Court for a ready reference.

13. Learned counsel for the State and the University admit at the Bar that the case of the petitioner would be covered by the judgments of this Court and one of the judgments recently passed by this Court is dated 13.07.2023 in CWJC No. 8065/2023 (Annexure 'P/9-A' to the writ application).

Consideration

14. Having regard to the facts and circumstances of the case as also the admitted position that the case of the petitioner would be covered by the earlier judgments of this Court, this Court directs the respondents University as well as the State to ensure that the petitioner is made available his original mark-sheet and degree certificate of the final year examination within a period of one month from today. This Court reproduces paragraph nos. 12, 13, 14 and 15 of its judgment rendered in CWJC No. 8065/2023 for a ready reference:

“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.

15. It is high time for the authorities of the State and the University to act in tandem with each other and ensure that the career of the students, who have already been issued their provisional degree certificates, be not kept on a tenterhooks. If the respondents still keep on sitting over the matter, it would only result in damaging the career of the students, which, by no stretch of imagination, may be appreciated and in a suitable case such issue may be considered for other reliefs.



16. Before this Court parts with this judgment, considering that the petitioner has already been selected as a Sub-Inspector in the Central Reserve Police Force, he may place this fact before the D.I.G., Group Centre, C.R.P.F. Amethi (U.P.) and this Court expects that the predicament of the petitioner shall be duly considered by the competent authority.

17. This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.09.2023
Transmission Date	

