

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18035 of 2022**

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1. Sarvesh Kumar Kashyap S/o Siddnath Prasad, Resident of Village Mangraon, P.S.- Nasriganj, District- Rohtas.
  2. Ravi Kumar, S/o Sanjay Kumar Mahto, Resident of Village- Raghunathpur, P.S.- Karakat, District- Rohtas.
  3. Akshaylal Kumar, S/o Lalan Chaudhry, Resident of Village- Algubigha, P.S. Akodhigola, District- Rohtas.
  4. Avinash Raj, S/o Ramesh Kumar Singh, Resident of Village- Jitaura, P.S.- Piro, District- Bhojpur.
  5. Vikash Kumar, S/o Kamendra Singh, Resident of Village Bamhaur, P.S.- Sheosagar, District- Rohtas.
  6. Chandan Kumar S/o Chandrama Sah, Resident of Village- Surajpura, P.S.- Surajpura, District- Rohtas.
  7. Amit Kumar Singh S/o Srivansh Narayan Singh, Resident of Village- Ankorha, P.S.- Dinara, District- Rohtas.
  8. Ravi Shankar Singh, S/o Wakil Singh, Resident of Village- Dharmagat Parasi, P.S.- Karakat, District- Rohtas.
  9. Baljeet Kumar Maurya, S/o Haridwar Singh, Resident of Village- Amaon, P.S.- Karamchat, District- Kaimur (Bhabhua).
  10. Srikant Kumar, S/o Ram Ekbal Singh, Resident of Village- Dithwan, P.S.- Dawath, District- Rohtas.

... .. Petitioner/s

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.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Sanjeev Kumar           |
|                      |   | Mr. Bijay Kumar Dubey      |
| For the Respondent/s | : | Mr.Prabhakar Jha ( Gp 27 ) |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**



7      05-05-2023                      The present writ application has been filed for a direction to the respondent - Veer Kunwar Singh University, Ara [hereinafter referred to as “the University”] to provide Graduation Degree / Certificate to the petitioners, who have passed the Graduation Examination conducted by the University for the Session 2015-18.

The petitioners, are students of various Colleges, whose affiliation request is pending before the University for the Session 2015-18, 2016-19 & 2017-20. In the academic Session 2015-18 the petitioners were admitted for different Graduation Courses in different private Colleges of the University and after completion of their academic Session the University issued Admit Cards every year to them for appearance in the examination of Part - I, II & III in which the petitioners became successful and accordingly they were supplied the mark-sheet/provisional degree/certificate by the University.

Learned counsel for the petitioners submits that petitioners have passed the competitive examination conducted by the Railway Recruitment Board, Govt. of India and the recruiting agency is demanding original Graduation Certificate from them. The petitioners are in urgent need of original Graduation Certificate for verification by the Railway



Recruitment Board and if the same is not provided the petitioners may lose their job and will suffer irreparable loss.

Learned counsel for the University submits that a lot of students including the petitioners have been admitted under Graduation Courses in the Session 2015-18, 2016-19 and 2017-20 in different private colleges. The Syndicate in its meeting on 14-7-2021 decided to issue testimonials to the examinees who have been tagged with any affiliated College for the Session 2015-18 & 2016-19 vide notification dated: 15-07-2021 (Annexure-A to the counter affidavit). Vide letter bearing no. V.K.S.U. 46 / 2018 (Part) - 1134 / रा० सं० (1) dated 25/07/2022 issued by the Governor's Secretariat a special meeting of Syndicate was called for issuance of original Certificates of such examinees, who have passed Graduation examination from unaffiliated colleges in the Session 2015-18, 2016-19 & 2017-2020. In the meeting of the Syndicate which was held on 26/08/2022 it was decided to issue certificates to those students, who have passed Graduation from unaffiliated Colleges for the Session 2015-18, 2016-19 & 2017-20 as a one time measure. Accordingly, the University sent a detailed report to the Director, Higher Education, Education Department, Govt. of Bihar and sought instruction for issuance of original Certificates



to the examinees / students for the aforesaid Session vide letter dt: 21.11.2022. The University sent a reminder vide its letter dated- 13.11.2022 ( Annexure – E to the counter affidavit) and sought guidance / instruction from the State Government for issuance of original Certificates to the students including the petitioners, who have passed Graduation exam from unaffiliated colleges for the Sessions 2015-18, 2016-19 & 2017-20 but instruction is still pending at the level of State Government.

Learned counsel for the State submits that in similar matter of Magadh University in CWJC No. 9336 / 2019 one time opportunity was given to the Magadh University and the students of Magadh University as per the order dt- 28.06.2019 and accordingly the Education Department directed for certificates to be issued. It has further been argued that insofar as issuance of original degree to the students by the University is concerned, the same shall only be issued by the University and the students can approach the University with regard to the same. With regard to the grant of affiliation for the aforesaid Session is concerned, the aforementioned file was placed before the Law Department. It has further been argued that the Education Department has received the opinion of the Law Department which has advised that Education Department may



carry out an exercise to find and collect information of similar cases from all the Universities of Bihar so that consolidated report could be had and a final decision could be taken. The Department has resolved to get the said information and get the approval of the Cabinet to settle the issue keeping in view the hardship that students may have to face if the final certificate / degree is not issued.

I have heard learned counsel for the parties and have gone through the material on record. It is an admitted position that the petitioners were admitted in various degree courses for the Session 2015-18. It is also an admitted position that the petitioners were allowed to appear in various examination conducted by the University and they successfully passed the examination and mark- sheets were accordingly issued in their favour. The provisional certificates / degrees have also been issued in favour of the petitioners. Now, the only issue which requires to be resolved is as to whether in absence of formal affiliation by the Government, original Graduation Certificates can be issued in favour of the petitioners or not. From the stand taken by the University at Annexure-E of the counter affidavit it transpires that petitioners were allowed to appear in the examination with the permission and instruction of the State



Government. File regarding affiliation to the Colleges from which the petitioners have completed their course is pending for decision at the level of State Government for so many years. From the counter affidavit of State it also transpires that in similar circumstances one time affiliation was granted to the concerned colleges pursuant to the order passed by this Court. It is specific case of the petitioners that they have come out successful in the competitive examination held by Railway Recruitment Board in which their original certificates are required.

Considering the conspectus of facts as discussed hereinabove and the fact that petitioners had appeared in the examination pursuance to the permission / instruction issued by the State Government and decision regarding one time affiliation to such Colleges is pending before the State Government for final decision, accordingly, in my opinion, it is expedient in the facts of the case to direct the University to issue original Graduation certificates in favour of the petitioners within a period of one month from the date of receipt / production of a copy of this order.

This Court hope and trust that within the aforesaid period the State Government will come out with final decision



regarding one time affiliation to the Colleges in question.

With the aforesaid observation and direction, this writ application is disposed of.

(Anil Kumar Sinha, J)

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