

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18278 of 2022

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Kalyan Seva Sansthan College of Pharmacy Swami Vivekanand College Road, Bangama, Nearby Simultala Awasiya Vidyalay, P.O. and P.S.- Simultala, District- Jamui through its Secretary namely Umesh Prasad Gupta (Male), aged about 60 Years, Son of Late Devnath Prasad Gupta, Resident of Maya Nilay, Idgah Road, Bhadra Ghat, Gulzarbagh, P.S.- Alamganj, District- Patna.

... .. Petitioner

Versus

1. Aryabhatta Knowledge University Mithapur Farm Area, Mithapur, Patna through its Registrar.
2. The Vice Chancellor, Aryabhatta Knowledge University, Mithapur Farm Area, Mithapur, Patna.
3. The Registrar, Aryabhatta Knowledge University, Mithapur Farm Area, Mithapur, Patna.
4. The Examination Controller, Aryabhatta Knowledge University, Mithapur Farm Area, Mithapur, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-08-2023 Heard learned counsel for the petitioner and learned counsel for the Aryabhatta Knowledge University, Mithapur Farm Area, Mithapur (hereinafter referred to as the ‘University’).

2. Petitioner in the present writ application is seeking the following reliefs:-

“i. For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondent Aryabhatta Knowledge University to take steps for Registration of the students and hold examination of the students of



Bachelor in Pharmacy Course of the Academic Session 2020-24 of Kalyan Seva Sansthan College of Pharmacy, Swami Vivekanand College Road, Bangama, Nearby Simultala Awasiya Vidyalay, P.O. + P.S. Simultala, District - Jamui since the College has due recognition/approval from Pharmacy Council of India (PCI), No Objection Certificate (NOC) from the State Government and deemed Affiliation from Aryabhata Knowledge University.

ii. For issuance of an appropriate Writ in the nature of Mandamus directing the Respondents to treat the students of the petitioner Institution of 1st year of the Academic Session 2020-24 to have been promoted to 2nd year and hold examination of the students for 2nd year in view of letter dated 10.09.2021 (Annexure 20) of the Respondent University by which decision to promote the students from first year to second year in several courses including the present course of Bachelor in Pharmacy for the Academic Session 2020-21 has already been taken,

iii. For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondent University to issue the formal order of Affiliation in favour of the Petitioner Institution for the Academic Session 2020-24 in Bachelor in Pharmacy Course view of the fact that the Petitioner has deemed approval of Affiliation or in alternative to treat the



Petitioner Institution as deemed to be Affiliated Institution for the Academic Session 2020-24 in Bachelor in Pharmacy Course.

iv. For any other relief/s for which the Petitioner is entitled in the eye of law in the facts and circumstances of the case.”

3. A counter affidavit has been filed on behalf of the University.

4. Learned counsel for the petitioner as well as the University are unanimous in their submission that this writ application may be disposed of in terms of the statements made in Paragraphs ‘7’, ‘8’, ‘9’ and ‘10’ of the counter affidavit.

5. Those paragraphs from the counter affidavit are being extracted hereunder for a ready reference:-

“7. That it is stated that an identical issue came for the consideration of the Hon'ble Court in C.W.J.C. No. 9970 of 2022. The issue was affiliation for the Academic Session 2020-21 for the 1st year enrolled students in view of the Notification dated 10.09.2021. The writ application was disposed of with a direction contained in Order dated 11.01.2023. The Hon'ble Court directed University for taking immediate steps with regard to affiliation and also issue necessary order for promotion of the students and subsequent studies in the future



classes.

8. That after due deliberation during the pendency of the aforementioned writ application in C.W.J.C. No. 9970 of 2022 it was resolved to comply as per order received.

9. That the University has decided for a uniform and consistent stand before this Hon'ble Court as also towards the Colleges in litigation and in the interest of students. It is decided that appropriate steps would be taken for grant of affiliation to the Petitioner College of the present writ application also by treating the instant case as similarly situated to the case of C.W.J.C. No. 9970 of 2022.

10. That in view of the above stand the writ application may be disposed of in terms of the Order dated 11.01.2023 passed in C.W.J.C. No. 9970 of 2022 as the University has decided to accept and implement the Order dated 11.01.2023 and infact steps are been taken the competent authorities in compliance of the Order dated 11.01.2023. The same stand and treatment would be uniformly extended to the Petitioner College.”

6. This writ application is disposed of in terms of the order dated 11.01.2023 passed in CWJC No. 9970 of 2022. The



University shall act in terms of it's stand.

7. Let the entire exercise be completed within a period
of one month from today.

(Rajeev Ranjan Prasad, J)

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