

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5343 of 2023**

Champaran College of Pharmacy, Gulariya, Motihari, East Champaran through the Trustee of Innovative Welfare and Educational Trust, Tabrez Ahmad (male), aged about 41 Years, Son of Ezaz Ahmad, Resident of Village and P.O.- Purainiya, P.S.- Darpa, District-East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary-Cum-Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
3. The Additional Chief Secretary-Cum-Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
4. The In-Charge Officer (SPMU), Bihar Student Credit Card Scheme, Department of Education, Govt. of Bihar, New Secretariat, Patna.
5. The Nodal Officer, Bihar Student Credit Card Scheme, Education Department, Govt. of Bihar, New Secretariat, Patna.
6. The District Registration and Counselling Centre, East Champaran, Motihari, Bihar Student Credit Card Scheme, Department of Education, Govt. of Bihar, Patna.

... .. Respondents

with

**Civil Writ Jurisdiction Case No. 1012 of 2023**

Shakshi Pandey, Daughter of Rajeev Kumar Pandey, Resident of Kajal Kunj, East Wali Gali. Near RMS Office, Pankhtoli, Musahri, P.S.-Ramna, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary-Cum-Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
3. The Additional Chief Secretary-Cum-Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
4. The In-Charge Officer (SPMU), Bihar Student Credit Card Scheme, Department of Education, Govt. of Bihar, New Secretariat, Patna.
5. The Nodal Officer, Bihar Student Credit Card Scheme, Education Department of Bihar, New Secretariat, Patna.
6. The District Registration and Counselling Centre, Patna Bihar Student Credit Card Scheme, Department of Education, Govt. of Bihar, Patna
7. Aryabhatta Knowledge University, Mithapur Farm Area, Mithapur, Patna through its Registrar.



8. The Vice Chancellor, Aryabhatta Knowledge University, Mithapur Farm Area, Mithapur, Patna.
9. The Registrar, Aryabhatta Knowledge University, Mithapur Farm Area, Mithapur, Patna.
10. The Examination Controller, Aryabhatta Knowledge University, Mithapur Farm Area, Mithapur, Patna.
11. Ambedkar Institute of Higher Education, Chhitnawa, Maner, Danapur, Patna through its Director Shri Kaushal Kumar Giri
12. The Principal, Ambedkar Institute of Higher Education, Chhitnawa, Maner, Danapur, Patna.

... .. Respondents

with

**Civil Writ Jurisdiction Case No. 1662 of 2023**

Modern Institute of Pharmacy Kudro More, Dahuwa, P.O. - Dahuwa, P.S. - Baunsi, District - Banka through its Chairman namely Md. Badruddin Ansari (Male), aged about 33 Years, Son of Abedin Ansari, Resident of Jamuni Paharpur, P.S. - Godda Mufassil, District - Godda Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
3. The Additional Chief Secretary-cum-Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
4. The In-Charge Officer (SPMU), Bihar Student Credit Card Scheme, Department of Education, Govt. of Bihar, New Secretariat, Patna.
5. The Nodal Officer, Bihar Student Credit Card Scheme, Education Department, Govt. of Bihar, New Secretariat, Patna.
6. The District Registration and Counselling Centre, Banka, Bihar Student Credit Card Scheme, Department of Education, Govt. of Bihar, Patna.

... .. Respondents

**Appearance :**

(In Civil Writ Jurisdiction Case No. 5343 of 2023)

For the Petitioner : Mr. Arun Kumar, Advocate

For the State : Mr. Madan Jeet Kumar, GP-20

(In Civil Writ Jurisdiction Case No. 1012 of 2023)

For the Petitioner : Mr. Arun Kumar, Advocate

For the State : Mr. Prabhakar Jha, GP-27

Mr. Mukund Mohan Jha, AC to GP-27

For the University : Mr. Nadim Seraj, Advocate

Mr. Shahbaj Alam, Advocate

(In Civil Writ Jurisdiction Case No. 1662 of 2023)

For the Petitioner : Mr. Arun Kumar, Advocate

Mr. Raghubir Chandrayan, Advocate

For the State : Mr. Madhaw Prasad Yadaw, GP-23



For the University : Mr. Nadim Seraj, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL JUDGMENT**

**Date : 24-07-2023**

Learned counsel for the petitioner in CWJC No. 5343 of 2023 is permitted to make correction in the title portion of the writ application as regards the address of the respondents.

2. These writ applications have been heard together and are being disposed of by this common order.

3. The writ applications have been filed seeking a common relief which are as under:-

“i. For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondents to include the name of the Petitioner college ‘Champaran College of Pharmacy, Gulariya, Motihari, East Champaran’ in the approved list of Colleges for Bihar Student Credit Card (BSCC) & upload the same on the portal of District Registration & Counselling Centre, East Champaran, Motihari (DRCC) as the Petitioner institution has due recognition/approval from Pharmacy Council of India (PCI), No Objection Certificate (NOC) from the State Government and Affiliation from the Affiliating Body for Bachelor in Pharmacy course.

ii. For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondent State Govt. to provide the benefit of Bihar Student Credit Card Scheme to the students pursuing their studies in Bachelor in Pharmacy Course in the Petitioner College.

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



**Case of the Petitioners**

4. Learned counsel for the petitioners in these writ applications submits that the three institutions which are involved in these matters, namely, Champaran College of Pharmacy, Gulariya, Motihari, East Champaran, Ambedkar Institute of Higher Education, Chhitnawa, Maner, Danapur, Patna and Modern Institute of Pharmacy, Dahuwa, P.S.-Baunsi, District-Banka have been granted provisional affiliation by the Aryabhatta Knowledge University (hereinafter referred to as the 'University') for running the Academic Session 2021-22 and 2022-23 in Bachelor in Pharmacy Course (B. Pharma Course). It is submitted that these institutions have admitted students but the students of these institutions are not getting benefit of the Bihar Student Credit Card Scheme which is a scheme framed under the policy decision of the State Government known as "Saat Nishchay Yojana". The State Government has decided as a matter of policy that those students who are willing to obtain higher education in technical course as per Annexure '2' to the writ application (CWJC No. 5343 of 2023) would get financial assistance by way of education loan.

5. Learned counsel submits that the students admitted in these institutions are unable to pay their fee to the college because they are not able to avail the benefit of the scheme for the reason



that the name of these institutions have not been placed and uploaded on the portal in the list of approved colleges. In this regard, the petitioners have submitted representation, copies of some of the representations submitted in CWJC No. 5343 of 2023 have been enclosed as Annexures '3' and '4' to the writ application.

6. It is the specific case of the petitioners that the name of similarly situated pharmacy colleges have been incorporated in the list of approved colleges at the portal and their students are being given the benefit of the scheme. Learned counsel, therefore, submits that the respondents cannot discriminate among the similarly situated institutions. The Institutions in question have got due approval from the Pharmacy Council of India, affiliated from the University as also got 'No Objection Certificate' from the State Government, therefore, these institutions are fulfilling the entire criteria for uploading of their name on the portal in the list of approved colleges.

**Stand of the University and State**

7. Learned counsel for the University and learned counsel for the State do not deny that these institutions have been granted provisional affiliation by the University for the Session 2021-22 and 2022-23. Attention of this Court has been drawn



towards the counter affidavit filed on behalf of respondent no. 2 in CWJC No. 5343 of 2023. Annexure 'C' to the counter affidavit is a letter bearing no. 2747 dated 15.07.2023 written by the Registrar, Aryabhatta Knowledge University, Patna to the Director, Higher Education, Education Department, Government of Bihar, Patna with reference to these three institutions. This letter confirms that these institutions have got provisional/temporary affiliation. Further, it confirms that the meeting of the sabha (court) of the University is likely to be held soon. The letter further states that a decision with reference to the grant of benefit of the Bihar Student Credit Card Scheme may be taken at the Departmental level. It is, thus, the stand of the University that there is no impediment on the part of the Government Department in placing the name of the institutions in question on the portal for purpose of allowing the benefit of the scheme to the students of these institutions.

8. Contrary to the intent of the letter of the University, in the counter affidavit filed on behalf of the Education Department, a stand has been taken that since the college in question is not a duly affiliated college as proposal of affiliation in question was neither approved by the court of the University nor by the State Government, therefore, the students admitted in the college are not entitled to get benefit of the scheme.



**Consideration**

9. Having heard learned counsel for the petitioners, learned counsel for the University and learned counsel for the State as also on perusal of the records, this Court is of the opinion that the issue involved in these writ applications are to be considered from the students' point of view. The context in which the writ applications have been filed is required to be examined keeping in view the scheme of the Government and the beneficiaries of the scheme and then it is to be examined as to whether in the given circumstance, the stand taken by the State respondent may succeed.

10. The undisputed facts of the case are that provisional affiliation has been granted to the institutions, no doubt subject to certain conditions but learned counsel for the University and the State admit that by virtue of the provisional affiliation these institutions were permitted to admit students. There is no objection with regard to the admission of the students. In such circumstance, a question arises as to why the students who have been admitted in these institutions may be deprived of the scheme.

11. In the counter affidavit filed on behalf of the State respondents, a copy of the scheme has been brought on record as Annexure 'D' to the counter affidavit. Attention of this Court has



been drawn towards clause 3(i) of the scheme according to which the students should have been either admitted for higher education in any recognized institute by the regulatory agency of the State Government or the Central Government or the student has been selected for admission. In paragraph '14' of the counter affidavit filed on behalf of the State, a reference has been made to clause 3(i) of the guidelines and copy of the scheme has been enclosed as Annexure 'D' but in the whole counter affidavit, there is no statement that in which condition of the policy, the students of these institutions would be deprived of the benefit of the scheme.

**12.** This Court further called upon learned counsel for the State to point out from the scheme any of the conditions of the scheme which may be cited to deprive the students of these institutions from the benefit of the scheme. Learned counsel for the State could not demonstrate any such condition in the scheme. His only submission is with reference to the statement made in paragraph '15' of the counter affidavit, however, this Court finds that the stand taken in paragraph '15' of the counter affidavit is completely out of context and cannot be said to be a valid reason to deprive the students of these institutions from getting the benefit of the scheme. The stand of the State that the college in question is not a duly affiliated college as proposal of affiliation in question



was neither approved by the court of the University nor by the State Government is not a correct statement to approach the issue involved in the present writ applications. It is not correct that the proposal of affiliation in question has not been approved, the correct position is that one of the conditions on which the affiliation has been granted by the University is that it should be approved by the court of the University which is yet under consideration and Annexure 'C' to the counter affidavit which is the letter of the Registrar of the University to the Director, Higher Education clearly shows the intent of the University.

**13.** Be that as it may, the relevant fact is that the institutions have been allowed to take admission of the students and they have been admitted in the institute in the recognized courses. This being the position, this Court is of the considered opinion that the students of these institutions who have taken admission in the courses approved by the regulatory authority and pursuant to the provisional affiliation granted by the University cannot be deprived of the benefit of the scheme. The stand of the State in paragraph '15' of the counter affidavit has no leg to stand. The said stand is, therefore, rejected.

**14.** This Court directs the State respondents to upload the name of these institutions on the portal in the list of approved



colleges/institutions for the benefit of Bihar Credit Card Scheme to the students of these institutions. Such uploading must be done within a period of seven days from the date of receipt/production of a copy of this order.

15. These writ applications are allowed.

(Rajeev Ranjan Prasad, J)

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