

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8060 of 2023

Manish Kumar Son of Ajay Kumar, Resident of Mohalla- Bihari Sao Lane,
Muradpur, Ashok Rajpath P.O.- Bankipore, P.S.- Pirbahore, Patna-4.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Health Department, Government of Bihar, Patna.
3. The Chairmen of University Grants Commission, New Delhi.
4. The Additional Health Secretary, Health Department, Patna.
5. The Principal Secretary, Higher Education, Education Department, Bihar, Patna.
6. The Director In-Chief (Medical Education), Health Department, Patna.
7. The Director, Public Health Institute Near PMCH, Patna-4. Health Department.
8. The Vice Chancellor, Aryabhatta Knowledge University, Bihar, Patna.
9. The Registrar, Aryabhatta Knowledge University, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Patil, Adv.
For the State	:	Mr. Chandra Shekhar Singh, AC to G.A.-10
For the A.K.U.	:	Mr. Md. Nadim Seraj, Adv.
		Mr. Shahbaj Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

11 25-02-2025 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the University.

2. Learned counsel for the petitioner submits that the grievance raised in this petition is with regard to issuance of mark sheet and certificate with proper nomenclature “Bachelor of Optometry” instead of “Bachelor of Ophthalmic Technology” as per the Gazette of UGC Norms, NCAHCP Act, 2021 and due to negligence of the concerned Authority, petitioner was deprived



from applying for the post advertised by the State Government since for the said post, Bachelor Degree in Optometry was required.

3. A counter affidavit has been filed on behalf of the University stating therein that in the light of Health Department, Govt. of Bihar letter no. 01/vivid-63/2014-197(1)/swa. dated 16.03.2023, the University vide Notification No. 1684 dated 25.04.2023 changed the name and duration of course Bachelor of Ophthalmic Technology to Bachelor of Optometry and 4 years 6 months to 3 years Theory + 1 year compulsory Internship from Academic Session 2019-23, respectively. It is further contended that the Joint Secretary, Health Department, Bihar Government issued a letter vide letter no. 443(1) dated 20.06.2023 and at para no.5, he requested to issue an Equivalence Certificate for the course of Bachelor of Ophthalmic Technology which is equivalent to “Bachelor of Optometry” after taking the approval from competent authority of the University and it was also made clear that this certificate will be applicable for the students who had been admitted in the course of Bachelor of Ophthalmic Technology during the academic session of 2012-13 to 2018-19. In light of letter No. 1/Misc-63/2014-443(1) dated 20.06.2023 of the Health Department, Government of Bihar, a notification (Notification No. 1662 dated 09.04.2024) regarding equivalence



of Bachelor of Ophthalmic Technology course to Bachelor of Optometry was issued by the University in anticipation of the approval of the Academic Council, which is applicable to the students of the Academic Session 2012 to 2018. In view of the University Notification No. 1662 dated 09.04.2024, on 10.04.2024, the University issued the Equivalence Certificate for the course of Bachelor of Ophthalmic Technology which is equivalent to “Bachelor of Optometry” (Three year with one year internship). The said notification and equivalence certificate issued by the University were approved in the 19th meeting of the Academic Council of the University dated 21.05.2024.

4. Learned counsel for the University further submits that the provisional certificate of the students is issued by the University only after the Institute provides the internship certificates of the concerned students, but the internship certificate of the petitioner has not been made available to the University by the Institute. Thereafter, considering the application submitted by the petitioner and other students to the University on 04.07.2024, the University vide letter no. 3688 dated 02.08.2024 has requested the Director, Public Health Institute, Patna to provide the internship certificate of the concerned students as soon as possible so that their provisional certificate can be issued.



5. Learned counsel for the State submits that the concerned Deputy Secretary, Health Department, Government of Bihar, Patna issued a letter vide memo no. 625(1) dated 19.09.2024 on the aforesaid issue and the same letter was also sent to Director, Public Health Institute, Patna along with Registrar, Aryabhatta Knowledge University, Mithapur, Patna and from bare perusal of the said letter, it is evident that the Government of India earlier issued a Gazette notification in the year 2014, and accordingly a Gazette was published on 05.11.2014 which deals with the same issue. Thus, the concerned department has the right to modify the name of such courses in various colleges/universities also because they are authorized to do the same in view of the said notification. Accordingly, the Director, Public Health Institute, Patna modified the such certificate (Internship/Training) of the petitioner vide memo no. 962 dated 20.09.2024 on the basis of notification no. 498(1) dated 22.07.2011 and thereafter, the Health Department, Government of Bihar, Patna has notified for the conduction of aforesaid course at P.H.I., Patna (Public Health Institute, Patna) and P.M.C.H., Patna, respectively.

6. Learned counsel for the State further submits that from the above facts, it is quite clear that the grievance of the petitioner has already been redressed by the concerned Institute's officer/department because afresh "Internship Training



Certificate Completion Certification” in the name of “Bachelors of Optometry” as well as Equivalence Certificate for the course of Bachelor of Ophthalmic Technology which is equivalent to “Bachelor of Optometry” (Three year with one year internship) has been issued in favour of the petitioner.

7. Having heard the submissions advanced on behalf of the parties, I deem it fit in the interest of justice to direct the State/Bihar Public Service Commission/ any other appointment authority to consider the Equivalence Certificate of the petitioner for the course of “Bachelor of Ophthalmic Technology” which is equivalent to “Bachelor of Optometry” (Three year with one year internship) so that it would not affect the future of the petitioner.

8. With the aforesaid, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

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