

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.946 of 2025

In
Civil Writ Jurisdiction Case No.8049 of 2023

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1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna.
 2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna
 3. The us, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat Building, Patna.
 4. The Director, Land Records and Survey, Revenue and Land Reforms Department, Government of Bihar, Patna.

... .. Appellant/s

Versus

1. Jyoti Kumar son of Balkrishna Prasad Singh, resident of Chhawani Jaynandan Bigha, Post Office Tekari, Police Station Tekari, District Gaya (Bihar).
2. Amit Kumar, son of Nawal Kishore Prasad, resident of village-Haibatpur, Post Office-Bhojpur, Police Station-Khusrupur, District Patna (Bihar).
3. Kanishsk Kumar son of Kripanandd Prasad, resident of village- Naughar, Post Office Ashari, Police Station-Hilsa, District Nalanda (Bihar).
4. Santosh Kumar son of-Nand Lal Prasad, resident of village- Panchanpur, Post Office Panchanpur, Police Station-Tekari, District Gaya, Bihar.
5. Ajeet Kumar Gupta son of Sidhnath Prasad Gupta, resident of Mohalla Tekari, Post Office Tekari, Police Station Tekari, District Gaya (Bihar).
6. Raushan Kumar son of Niwar Kumar, resident of village Bhawanathpur, Post Office- Rannuchak, Makandpur, Police Station- Akbarnagar, District Bhagalpur, Bihar.
7. Navneet Mani son of Vinod Kumar, resident of village Bathnaha @ Madhopur Ram, Post Office Baketpur, pss Kathaiya, District Muzaffarpur, Bihar.
8. Santosh Kumar, son of Sitaram Das, resident of Mogalpura Chhate Tal, Patna City, Post Office- Jhajauganj, Police Station-Khajekala, District Patna, Bihar.
9. Rai Ranjan Kumar son of-Umesh Raj, resident of Ward No. 14, Logagir, Police Station Ujjagirpur, District -Samastipur, Bihar.
10. Aman Kumar son of Lal Bahadur Ray, resident of Ward No. 5, Belsandi, Police Station Belsandi, District Samastipur, Bihar.
11. Pappu Kumar son of Ganessh Prasad Ray, resident of Ward No. 13, Lohangir, Police Station Ujjayirpur, District Samastipur, Bihar.
12. Sunny Kumar son of Gopal Pandit, resident of Chailital, Patna City, Police Station Khajekala, District Patna, Bihar.
13. Deepak Kumar son of Sanjay Prasad Rastogi, resident of Ward No. 2, Chhoti



Ballia Barar, Police Station Balia District Begusarari, Bihar.

14. Amit Kumar son of Vinod Pandit, resident of Ward No. 8, Ayodhya, post office and police station Teghra, District Begusarai, Bihar.
15. Jagdish Kumar son of Moti lal, resident of Tekari, Police Station Tekari, Post Office Tekari, District Gaya, Bihar.
16. Sulekha Kumari daughter of Seetaram Das, resident of village Loha Ka Pul, Beldari Tola, Patna City, Police Station Mehandiganj, Post Office Jhauganj, District Patna, Bihar.
17. Mukesh Kumar son of Abhay Kumar, resident of Mohalla Rikabganj, Main Road, Police Station Tekari, Post Office Tekari, District Gaya, Bihar.
18. Mritunjay Kumar son of Maheshwar Prasad Singh, resident of Rikabganj, Police Station Tekari, Post Office Tekari, District Gaya, Bihar.
19. Ranveer Singh son of Bhagwan Singh, resident of Manika, Police Station Madanpur District Aurangabad, (Bihar).
20. Raj Kumar son of Naresh Rai, resident of New Bigrampur Bus Stand, Police Station and Post Office Patna G.P.O. District Patna, Bihar.
21. Kamal Ashraf son of Sagir Ahmad, resident of B1149/4 Kareli, Police Station and Post Office G.T.B. Nagar, District Alahabad, (Uttar Pradesh.)
22. Satyapal Kumar son of Kishore Singh, resident of Parasabad, Police Station Gargi, Post Office- Koderma, District Kodrma (Jharkhand).
23. Ashwani Raj son of Jay Prakash Singh, resident of Dharhara, Police Station Paliganj, Post Office Paliganj, District Patna (Bihar).
24. The Registrar, C.M.J. University, Campus Jorabat, Ri-Bhoi, District Meghalaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sajid Salim, Sr. Adv. Mr. Rampravesh Nath Tiwari (AC to SC-25)
For the Respondent/s	:	Mr. Mrigank Mauli, Sr. Adv. Mr. Rupesh Kumar, Adv. Mr. Patanjali Rishi, Adv. Mrs. Neha Narayan, Adv. Mr. Pramod Kumar, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-02-2026

That this Letters Patent Appeal has been filed by the
State of Bihar and others challenging the order dated 17.01.2025



passed by the learned Single Judge in Civil Writ Jurisdiction Case No. 8049 of 2023. There were twenty three petitioners in the said writ petition and their prayer in the writ petition was as follows:-

"“(i) For issuance of a writ/writs in the nature of certiorari to set aside order contained in letter No 01/Bhu A Ni (3) Vi Survey Amin (document verification)/16/2021 (Kand Ka) 4700 dated 22.12.2022 issued by Director, Land Records and Survey, Revenue and Land Reform Department, Bihar Government (Respondent No 4) by which he has been pleased to hold that certificates of Diploma in Civil Engineering produced by the petitioners are forged one and their appointments on the posts of Special Survey Amin has been further cancelled;

(ii) For further holding that Certificates of Diploma in Civil Engineering obtained by petitioners as genuine and bona fide;

(iii) For any other reliefs to which the petitioners are found entitled to in the facts and circumstances of this case.”

2. After issuance of notice, respondent no. 5, Dr. Momita Goswami, the Registrar of C.M.J University, filed counter affidavit, supplementary counter affidavit, and second supplementary counter affidavit. The learned Single Judge in his judgment and order dated 17.06.2025, was pleased to hold as follows:-

“5. On perusal of the pleadings, the supplementary affidavit dated 23.11.2024 of respondent No 5 and the documents annexed therein, it is clear that on the basis of an FIR registered against Respondent No 5, the State of Meghalaya vide its order dated 31.03.2014 passed the order of dissolution of the CMG University (Respondent No 5) which has been challenged by the University before the Meghalaya High Court and a



learned Single Judge of the Meghalaya High Court in Writ Petition No 177 of 2014, on ground of non-compliance of principles of natural justice, set aside the order dated 31.03.2014 vide its judgment dated 16.07.2015 (Annexure F). The above order has been challenged by the State of Meghalaya by filing Writ Appeal No 14 of 2017 which was decided on 06.05.2021 and order passed by the learned Single Judge dated 16.07.2015 has been set aside and the matter was remitted back to the learned Single Judge for adjudication on merit. Respondent No 5 approached the Supreme Court challenging the order dated 06.05.2021 passed by the Division Bench of the High Court of Meghalaya and vide order dated 01.06.2021, Hon'ble the Supreme Court directed the parties to maintain status quo as to the functioning of the University in SLP (C) No 7081 of 2021. A categorical stand has been taken by Respondent No 5 that after passing of the order dated 16.07.2015 by the learned Single Judge of the Meghalaya High Court, the State of Meghalaya allowed the University to function for 9 academic years without any complaint and Respondent No 5 continuously functioned from 2015 till date without any demur. Categorical pleading has been taken by the University that the State Government/UGC had allowed the University to function smoothly from the academic year, 2015-2016 to 2023-2024. The above stand taken by the University has not been rebutted by the other respondents in their counter affidavit. Thus, it is quite clear that the University (Respondent No 5) was functioning from academic year, 2015-2016 to 2023-2024.

6. Second supplementary counter affidavit of Respondent No 5 dated 20.01.2025 further shows that again the University has taken the stand that the degree of the petitioners has been verified by the University and it was found that all the petitioners herein have passed their examination in the year, 2018 which is also mentioned in the document (Annexure M) annexed with the supplementary counter affidavit dated 20.01.2025.

7. As contained in the document (Annexure M), it is quite clear that all the petitioners herein have passed their examination from the CMG University (Respondent No 5) in the year, 2018, i e, prior to their recruitment which has not been disputed by the counsel for the other respondents, i e, the State of Bihar.



Therefore, on this ground alone, both the orders impugned are liable to be set aside. Accordingly, both the orders impugned dated 22.12.2022 and 23.11.2023 are set aside.

8. The matter is remitted back to the concerned respondents to take a decision afresh in the light of the stand taken by Respondent No 5 in this petition, as mentioned above.

9. Needless to say that the concerned respondents will pass a reasoned order as early as possible preferably within a period of 30 days from the date of receipt of a copy of this order.”

3. The grounds taken by the learned counsel for the appellants in the present Letters Patent Appeal in paragraph nos. 13, 14 and 15, reads as follows:-

“13. That on completion of pleadings, the matter was heard and during hearing of the writ petition, the copy of judgment passed in Civil Appeal No. 9690 of 2024, (C.M.J. Foundation and other Versus State of Meghalaya and others) dated 13.02.2025 was referred before the Hon'ble Single Bench. The said appeal was filed challenging the judgment and order dated 6th May, 2021 passed by the Division Bench of Meghalaya at Shilong.in Writ Petition No. 14/17 whereby the judgment and order dated 16.07.2017 passed by the Hon'ble Single Judge of the Hon'ble High Court in Writ Petition (C) No. 177/14 was quashed and the matter was remitted back to the Hon'ble Single Judge to take appropriate decision regarding the validity of the order passed by this Hon'ble Court dissolving C.M.J. University. During hearing of the said Civil Appeal by the said Hon'ble Supreme Court 3 issued were framed determination and they are as follows:-

(i) Whether the appointment of Chancellor of the C.M.J. University was made with due adherence of the procedure as mandated by law?

(ii) Whether the dissolution order dated 31.03.2014 was passed with due adherence to the procedure provided under section 48 of the C.M.J. University Act, 2009 and in compliance



of the direction issued by this Hon'ble High Court vide order dated 13.09.2013 in Special Leave Petition (C) No. 1967/13 titled as C.M.J. Foundation and others Versus the State of Meghalaya and others?

(iii) Whether the Division Bench of the Hon'ble High Court of Meghalaya was justified in remitting back to the Hon'ble Single Judge for reconsideration of matter while allowing the writ Appeal No. 14/17.

14. That after a detailed hearing, the Hon'ble Supreme Court held that the appointment of Chancellor of C.M.J. University was nonest and void ab initio, the dissolution order dated 31.03.2014 has been passed in strict adherence to the procedural requirement of section 48 of the C.M.J. University Act, 2009. The Division Bench of Meghalaya High Court was not justified in remitting the matter back to the Hon'ble Single Judge for consideration of merit and the decision of the State Government dated 31st March, 2014 for dissolving the C.M.J. University, Meghalaya 1st Set 1st Set was affirmed.

15. That in spite of the above stated judgment being referred at the time of hearing of C.W.J.C. No. 8049 of 2023 the Hon'ble Single Judge passed the impugned judgment in contravention of the law laid down by the Hon'ble Supreme Court holding the dissolution of C.M.J. University to be proper and legal and thus the Hon'ble Single Judge has committed an error."

4. Learned counsel for the appellants submits that, even though the judgment pronounced in Civil Appeal No. 9690 of 2024 (**C.M.J. Foundation and Ors Vs. State of Meghalaya and Ors**) was placed before the learned Single Judge, the same was not considered and therefore, the impugned order was passed remitting the matter back to the concerned respondents for taking a fresh decision in light of the stand taken by the



respondent no.5 in the writ petition. When a pertinent question was put to the learned counsel for the appellants as to whether any material was placed on record showing that the said decision referred to in paragraph nos. 13, 14 and 15 i.e. C.A. No.9690 of 2024, was placed before the learned Single Judge, the answer was in negative. However, he submits that the decision was placed and, if it had been taken into account, the result could have been otherwise.

5. The law is well settled that if an order has been passed without taking note of the relevant submissions of the parties, the liberty is always to approach the same Court. Also if any wrong noting has been made, it is open to the parties to approach the same Court while the matter is still fresh in its mind. Therefore, the judgment relied upon by the petitioners which is stated to have been placed but not considered by the learned Single Judge may be agitated in a civil review petition or by taking such other recourse as may be available in law. Liberty is accordingly granted to the appellants to seek appropriate remedy available in law.

6. It is made clear that no opinion has been expressed on the merits of the case.

7. It is stated by learned counsel for the appellants that



a contempt petition has already been filed by the respondents for non-compliance of the impugned order. In view of such submission, it is open to the appellants to take appropriate measure in its interest, as per law.

8. With the aforesaid observation, the LPA stands disposed of. Pending I.A., if any, stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Alok Kumar Sinha, J)

ranjan/prakash-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.02.2026
Transmission Date	NA

