

(2006) 08 PAT CK 0099
In the Patna High Court
Case No : CWJC No. 5198 of 2006

Abdul Gaffar and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 07-08-2006

Acts Referred:

Citation : (2006) 3 PLJR 500

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Advocate : J.P. Shukla, Najmul Hoda and Qamrul Hoda, for the Appellant;
Sanjay Kumar, for the Respondent

Final Decision : Allowed

Judgement

Barin Ghosh, J.—Petitioners were students of Millia Sir Saiyad Primary Teachers Training College, Rambagh, Purnea. The said College approached this Court by filing C.W.J.C. No. 7046 of 1997. The object of the writ petition was to obtain a direction upon the respondents to hold Teachers Training Examination of the students of the said College for the Sessions 1989-1991 to 1995-1997. The Court found, as a fact, that the said College was granted temporary recognition from 1983-1985 to 1988-1990 and thereafter permanent recognition for the period 1989-1991. The Court found that on 6th September, 1991 a show cause was issued to the College requiring it to state why recognition shall not be cancelled as it did not fulfill certain conditions. The College did not respond to the show cause and ultimately the College was derecognized by the order dated 24th July, 1993. The Court found that the Government granted recognition to the Institution from the Session 1989-1991 by its order dated 19th September, 1994. Before the Court, the stand of the State was that upto 1993 the College did not fulfill the conditions of recognition and only during inspection of 1994 the Institution was found to have fulfilled the requisite conditions for recognition. The Court, in the circumstances, observed "This apart, when the Inspecting Team did not find the institution fit for grant of recognition because of non-fulfillment of

the criteria upto 1993, the grant of recognition for the period prior to 1994 is impermissible in law and the same appears to have been granted by the officials of the State in connivance with the petitioner". Ultimately the Court held that in the facts and circumstances of the case no direction can be given for allowing the so-called students for the Sessions prior to 1994 to appear in the examination. The Court observed that the students of the Sessions 1994 and onwards may be allowed to appear in the examination provided the authorities including the Board are satisfied that the students were selected in accordance with the provisions of Rules and attended the requisite number of classes. Ultimately the one and the only direction given was that no student prior to 1994 Sessions shall be allowed to appear in the examination to be held in future. As aforesaid, this judgment was rendered by this Court on 26th February, 1999 and prior thereto Ganges carried much water to the sea. The petitioners appeared in the examination conducted by the Board in 1989 and successfully passed the same. They were sponsored by the said College and were students of the Sessions 1986-1988 and 1984-1986 which Sessions, as aforesaid, were temporarily recognized. The Court did not strike down these recommendations despite having made such strong comment of collusion. The students of those sessions, who studied during the time their recognition was in vogue, and upon completion of their studies appeared in the examination conducted by the Board and obtained certificates of their success therein, were neither parties to the said writ petition nor a single word about them had been said in the said order. The order merely said that in future the Board will conduct examination of only those students who were of 1994 Session and onwards. It said that students, who have studied prior to 1994, may not be permitted to appear in future examinations to be conducted by the Board. It did not utter a single word about any student of that college of the session prior to 1994 who had already appeared in the examinations conducted by the Board and succeeded in such examination. However, by Annexure-1 to the writ petition, the State Government purported to cancel the certificates of success of those students, who had appeared successfully in the examinations conducted by the Board prior to the order of this Court dated 26th February, 1999 simply on the strength of that order passed in the said writ petition. The manner in which the State Government has acted in this matter is atrocious and utterly uncalled for. The State Government has chosen not to file any counter affidavit but the learned counsel for the State has submitted that the one and the only reason for issuing that order was the order of the Court passed in the said writ petition. It would be appropriate in future for the Government and its Officers to read orders and try to comprehend the meaning and effect of the orders before purporting to implement the same in such atrocious manner.

2. Initially I thought that I would impose exemplary cost in favour of the petitioners which should be recovered by the State from such Officers of the State, who purported to issue that order dated 18th November, 1999 but I have restrained myself from doing so inasmuch as probably those Officers may not be

in service of the State at the moment, and it may be impossible for the State to recover such cost from those erring officers of the State. The application is thus allowed. Annexure-1 to the writ petition in so far as the petitioners are concerned is quashed. The Board is directed to supply the certificates to the petitioners within 24 hours from now without any application to that effect being made by the petitioners but on the strength of this order.