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**(2017) 02 JH CK 0099**  
**In the Jharkhand High Court**  
**Case No : 740 of 2017**

Ajay Kumar Tirkey

APPELLANT

Vs

The State of Jharkhand through Vigilance

RESPONDENT

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**Date of Decision :** 28-02-2017

**Acts Referred:**

**Citation :** (2017) 02 JH CK 0099

**Hon'ble Judges :** Aparesh Kumar Singh

**Bench :** SINGLE BENCH

**Advocate :** A. K. Mehta, Afaq Ahmed, M.S. Akhtar, Navin Kr. Singh, Sajid Yunus, Dr. Ashok Kr. Singh

**Final Decision :** Disposed

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## Judgement

1. Heard learned counsel for the parties.
2. Petitioner-Institute has sought direction upon the respondent-University to accept the registration and examination forms of Students of LLB (three years Course) Semester-I Session 2016-19 and B. A. LLB (five years Course) Semester-I Session 2016-21 and allow them to appear in the ensuing University Examination scheduled from 01.03.2017.
3. According to the petitioner, the Bar Council of India has granted approval of affiliation to the College for imparting three years and five years LLB Course with a prescribed intake vide Communication dated 28.12.2015, Annexure-3 subject to the condition enumerated therein. The University has recommended for approval of permanent affiliation of the College vide letter dated 30.10.2015 bearing Memo No. 3907/2015, Annexure-4 to the Director, Higher and Technical Education Department, Government of Jharkhand.
4. Earlier the petitioner had approached this Court in W. P. (C) No. 3189 of 2014 seeking grant of permanent affiliation to the College for 3 years LLB Degree Course from academic session 2012-13 and extension of affiliation to the petitioner's college for five academic sessions i.e. 2012-13 up to 2016-17 for 5

years LLB course. It had also sought publication of result of students of 1st year of 5 years LLB Course and 1 st year of three years LLB Course for academic Session 2012-13. That writ petition was disposed of vide order dated 29.02.2016 with a direction to the Principal Secretary, Human Resources Development Department, Government of Jharkhand to take a decision in the matter of grant of permanent affiliation to the college in question in accordance with law taking into account recommendation of the University as also a report of the committee of Bar Council of India within a reasonable time.

5. Thereafter this petitioner again approached this Court in W. P. (C) No. 2031 of 2016 seeking a direction for allowing the students of LLB three years and five years Courses for the Session 2015-16 and 2015-20 to sit in Semester-I exam. By interim order dated 26.04.2016, the respondent-University was directed to accept the registration and examination form along with fee of those students of the aforesaid batches subject to the final outcome of the case. The said writ petition is still pending.

6. The present matter involves students, who have been enrolled in three years and five years LLB Courses for the academic Session 2016-19 and Session 2016-21 awaiting approval of recommendation of affiliation by the Directorate of Higher and Technical Education. Institute has carried out the academic calendar and imparted course. The Students are now ready to appear in the Semester-I exams, scheduled from 01.03.2017. However, in absence of approval of affiliation by the respondent-Directorate again, the University has not accepted the registration and examination forms due to which the career of students is in jeopardy.

7. When the matter has been taken up today, learned counsel for the State, Mr. Shamim Akhtar, GA-III has produced decision of the Directorate of Higher Education, Department of Higher, Technical Education and Skill Development, Government of Jharkhand bearing Memo No. 470 dated 27.02.2017 wherein the extension of approval of affiliation for the academic Session 2015-16 and 2016-17 has been granted with condition stipulated therein.

8. Learned counsel for the respondent-State submits that the permanent affiliation can be granted only upon compliance of the stipulated condition. For the present, therefore, permanent affiliation has not been granted. The University has been directed to undertake inspection and submit a report as to the compliance of the conditions enumerated.

9. It appears, however, that there is no time line prescribed for compliance of the conditions as per the decision. The respondent- Directorate would fix a time bound schedule for compliance of the condition by the petitioner college and such other similarly situated colleges. The University should be directed to carry out inspections and submit report relating to the compliance of the conditions by the College within the time stipulated so that issue of affiliation attains finality one way or the other instead of being extended annually on temporary basis.

This should avoid unnecessary speculation and also clarity in the minds of the students, who take admission in these institutions.

10. Learned counsel for the University submits that pursuant to the decision taken and the specific directions issued by this Court in the matter of compliance of the conditions by the college within a time frame, the University is ready to accept the registration and examination forms of the students for the 1st semester exam for the Session 2016-2017 and 2016-2021 for the 3 and 5 years LLB Courses.

11. Learned counsel for the petitioner submits that in view of the aforesaid decision the grievances of the petitioner appear to have been redressed.

12. Having regard to the conspicuous facts recorded hereinabove, the College and the University would now take steps on urgent basis to comply with the requirement along with requisites fees etc. to enable eligible students of the College to appear in the ensuing exams scheduled from 01.03.2017.

13. The writ petition is accordingly disposed of. Pending I.A also stands disposed of.