
(2001) 02 JH CK 0041

In the Jharkhand High Court

Case No : Civil Writ Jurisdiction Case No. 3408 of 2000 (R)

Arun Chandra Singh

APPELLANT

Vs

Ranchi University and others

RESPONDENT

Date of Decision : 14-02-2001

Acts Referred:

Citation : AIR 2001 Jhar 18 : (2001) 1 JLJR(Jhar) 114

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : P.C. Tripathy and Nutan Kumari, for the Appellant; A.K. Mehta, for University and R.N. Sahay, S.C. 1, for State, for the Respondent

Final Decision : Dismissed

Judgement

Sudhansu Jyoti Mukhopadhya, J.—This application has been preferred by the petitioner for direction on the Respondents Ranchi University to publish the result of LL.B. Part-III Examination held in March, 1992.

2. According to the Respondent University, the B.N.S. Law College, Daltonganj being not an affiliated College, the result of the students cannot be declared.

3. The brief facts of the case show that the College was established in the year 1981 and students were admitted. The petitioner was admitted for the Session 1987-88 in LL.B. Part-I. The University also published the result and petitioner, on promotion was admitted in LL.B. Part-II course for the Session 1988-89. The 2nd year examination was also conducted by University and petitioner having declared succesful, was promoted to LL.B. Part-III for the Session 1989-90 and was allowed to appear in the examination held in March, 1992.

4. Initially, no affiliation was granted till the Session 1983-84. Subsequently, the State of Bihar agreed to approve affiliation of the College for the Session 1984-85 to 1997-98, without any financial liability by letter dated 2i3rd December, 1992. However, when it came to their notice that the recognition of College by Bar Council of India was mandatory, the State of Bihar by letter, D/-

15th December, 1999 intimated the University that no admission of students can be taken without prior recognition by Bar Council of India and the earlier order issued on 23rd December, 1998 was accepted to be against the law.

5. The counsel for the petitioner placed reliance on a letter dated 12th April, 1983 to show that the State Government agreed to grant approval for affiliation of the College for the Session 1981-82, followed by subsequent letter, D/- 23rd December, 1998. Reliance was also placed on a decision of Supreme Court in *V. Sudeer Vs. Bar Council of India and Another*, . However, the aforesaid decision is not applicable in the present case, being not related to the question as to whether recognition of College by Bar Council of India is mandatory or not.

6. It will be evident that the University vide Notification, D/- 26th June, 1992 intimated the students, in general, and Colleges that no Law College is affiliated with the University and any person takes admission, shall do so at his/her own risk. Such Law Colleges were also informed not to take admission until gets recognition from Bar Council of India and approval of Government of Bihar.

7. From the Inspection report of the College, brought on record, and the letter of Bar Council of India dated 27th November, 1993/6th December, 1993, it will be evident that the College was granted temporary affiliation for a period of five years in terms with decision taken in meeting held on 19th November, 1993. Thereby, the College was recognised by the Bar Council of India, for the first time, since December, 1993, for five years and there was no recognition given in respect to the earlier Session.

8. In the case of *Ragho Singh Vs. Mohan Singh and Others*, similar question fell for consideration before the Patna High Court. The Court held that affiliation of a Law College under an University recognised by B.C.I. can be given effect only after recognition of the College by the B.C.I, and not prior to the same. In the said case, recognition having granted in 1994 for three years, in absence of order of subsequent recognition, the Court rejected the claim to publish the result of students of the said College, though they appeared.

9. The petitioner of the present case was a student for the Sessions 1987-88 to 1989-90 when the College was not recognised by the Bar Council of India. The recognition was granted, for the first time in December, 1993 for five years, when the petitioner was not a student of such session. In the circumstances, even if the petitioner appeared in the examination, the University cannot publish its result, the College being not recognised by Bar Council of India during such Session.

10. For the reasons aforesaid, no relief can be granted.

11. The writ petition is, accordingly, dismissed.