
(2004) 11 PAT CK 0050
In the Patna High Court
Case No : CWJC No. 2725 of 2004

Gyan Murti

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 24-11-2004

Acts Referred:

Bihar State Universities Act, 1976 — Section 21(2)

Citation : (2004) 3 BLJR 2251 : (2005) 1 PLJR 122

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard the petitioner in person and also learned counsel for the University and the State and considered the respective counter affidavits.

2. The petitioner has prayed for issuance of direction upon the respondents to issue certificate/degree of B.A. (Hon''s), as the petitioner has passed B.A. (Hon''s) examination from B.P.S College, Babhangame, Madhepura.

3. It is submitted by the petitioner that he was riot at all at fault, as he was allowed admission in the college in question and he passed (B.A. (Hon''s) examination, and, in that view of the matter, he is entitled for B.A. (Hon''s) degree. It is further submitted that the petitioner has also persecuted his higher studies in Law Course.

4. In the counter affidavit filed on, behalf of the University, it is stated that B.P.S College, Babhangama, Madhepura is not an affiliated college for degree course, and, therefore, in view of Section 21 (2) (d) of the Bihar State Universities Act, 1976 (hereinafter to be referred to as "Act"), the petitioner is not entitled for B.A. (Hon''s) degree.

5. In support of his contention, learned counsel for the University has placed reliance upon an order passed by this Court, as contained in Annexure B, in

CWJC No. 1283 of 2003 and also upon the order passed by this Court in LPA No. 35 of 2004, whereby and whereunder order passed by learned single Judge has been affirmed.

6. In CWJC No. 1283 of 2003, (Mohan Bahadur K.C. and Anr. v. State of Bihar and Ors.), this Court has held that since the college in question was not affiliated one and not approved by the State Government in terms of Section 21 (2)(d) of the Act, the petitioners of that case cannot claim as a matter of right for issuance of certificate.

7. The order passed by the learned single Judge, as contained in Annexure B to the counter affidavit filed by the respondent University, has been affirmed in LPA No. 35 of 2004, vide order as contained in Annexure C.

8. It is not in dispute that the college in question is not an affiliated college and not duly approved by the State Government in terms of Section 21 (2)(d) of the Act.

9. The petitioner, in this view of the matter, cannot claim as a matter of right for issuance of B.A. (Hon''s) degree by the University.

10. For the reasons aforementioned, therefore, I do not find any merit in this writ application.

11. It is, accordingly, dismissed.