
(2007) 02 PAT CK 0052
In the Patna High Court
Case No : LPA No. 515 of 2006

Jamil Akhtar and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 07-02-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) 2 PLJR 655

Hon'ble Judges : J.N. Bhatt, C.J;S.K. Sinha, J

Bench : Division Bench

Advocate : Abhay Kr. Singh, for the Appellant; S.N. Pathak and Amit Kumar, for the Respondent

Final Decision : Dismissed

Judgement

1. By this Letters Patent Appeal under Clause 10 of the Letters Patent the challenge is made against the judgment of the learned Single Judge recorded in CWJC No. 1624 of 2006 on 23.3.2006, whereby, the prayer for declaration of results of the theoretical examination held for the Sessions 1986-87 and of the practical examination held in the year, 1989 came to be rejected. Though, it is a pitiable case for the students but the court is obliged to consider the legal proposition on the point. In a similar situation, one matter in the case of Arajkiya Khwaja Shahid Hussain Primary Teacher Training College Vs. State of Bihar and Others , has been decided by the Hon''ble Apex Court and the learned Single Judge has relied on the said decision and has, also, rightly dismissed the writ petition under Article 226 of the Constitution of India. Hence, this Letters Patent Appeal.

2. We have heard the learned Counsel appearing for the parties and we have examined the factual matrix of this case. We have, also, considered and evaluated the text and tenor of the impugned order of the learned Single Judge. We are of the opinion that when the school is not recognized and even if the examination of the students of that unrecognized school is held the prayer to

publish the result cannot be granted.

3. Let it be mentioned that in a latest law of the land propounded by the Hon''ble Apex Court in *Minor Sunil Oraon Tr. Guardian & Ors. vs. C.B.S.E & Ors.*, 2007(1) PLJR (SC)69, on a similar point it has been held that in absence of requisite recognition or affiliation, if education is imparted or examinations are conducted, the writ court will not interfere and not only that, it has been further held that the students of unaffiliated or unrecognized institution cannot claim any relief on equitable ground. It is further held that though the ultimate victims are innocent students but their plea for granting relief cannot be accepted.

4. The detailed proposition of law is, also, articulated in a Division Bench judgment of this Court in LPA No. 279 of 2005; *Arajkiya Khwaja Shahid Hussain Primary Teacher Training College vs. The State of Bihar & Ors.*, decided on 23rd December, 2005, wherein, one of us (J.N. Bhatt, CJ.) was one of the parties and we have, also, relied on the aforesaid judgment and highlighted other decisions in relation to such issue.

5. We are, therefore, very clear that the Letters Patent Appeal requires to be dismissed while affirming and confirming the view of the learned Single Judge. Accordingly, the Letters Patent Appeal shall stand dismissed. Notice is discharged. No cost.