

(2006) 08 PAT CK 0067
In the Patna High Court
Case No : CWJC No. 41 of 2006

Navin Kumar Mishra

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 30-08-2006

Acts Referred:

Citation : (2006) 4 PLJR 208

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Advocate : D.K. Sinha and Shankar Kumar, Jayanandan Singh, S.N.P. Sinha and Mira Kumari, for the Appellant; Sanjay Kumar and Sanjay Kr. Pandey for the State, for the Respondent

Final Decision : Allowed

Judgement

Barin Ghosh, J.—It appears from the letter of the Bar Council of India dated 3rd March, 2004 addressed to the Registrar of the respondent University that Sanjay Gandhi Vidhi Mahavidyalaya, Sitamarhi, Bihar, Was recognized by the Bar Council of India, which recognition expired on 30th June, 1997. It also appears that the Bar Council while did not extend the recognition beyond 30th June, 1997, consciously decided that the students, who were admitted to the said College in L.L.B. Part-I prior to 30th June, 1997, shall be entitled to complete L.L.B. course by appearing in Part-I, Part-II and Part-III examinations even after expiry of the recognition, if those examinations are conducted after 30th June, 1997. Petitioner got himself admitted in the said College on 12th May, 1997. He appeared in the Part-I of the L.L.B. examination conducted by the University in the month of December, 1997. He was accorded the result of his such appearance. The petitioner thereupon appeared in the Part-II of the L.L.B. examination conducted by the respondent-University in December, 1998 and he was accorded result of his appearance. Petitioner was thereupon issued admit card to appear in L.L.B. Part-III examination to be held in 1999. Petitioner appeared at such examination but his result has not been declared. The

University has not declared the result of the appearance of the petitioner in the L.L.B. Part-III examination held in 1999 in view of a judgment rendered by this Court whereby and under this Court has directed that the said College shall not be entitled to admit any student on and from 1999. According to the Bar Council any one who has been admitted in the said College before 30th June, 1997 is entitled to complete the L.L.B. course. According to Bar Council, any one who has got himself enrolled with the said College after 30th June, 1997, is not entitled to appear in the examinations to complete L.L.B. course. Putting up of a bar by this Court upon the College to admit students after 1999 does not at all affect the decision of the Bar Council. In law having regard to the stand taken by the Bar Council, the University is bound to take examination of those students, who had been admitted in the College before 30th June, 1997 and the University is equally prevented from taking examination of any student who had been admitted in the College subsequent to 30th June, 1997. On the basis of the above principle the petitioner was permitted to appear in the Part-I, Part-II as well as Part-III of the L.L.B. examination of the University, for the petitioner was admitted in the College before 30th June, 1997. There is no just reason for the University not to publish the result of the appearance of the petitioner in Part-III examination, while the University has published the result of appearance of the petitioner in Part-I as well Part-II examinations.

2. In those circumstances, the writ petition is allowed with a direction upon the respondent-University to publish the Part III L.L.B. result of the petitioner ignoring all decisions of the University including that of the Syndicate. Let a copy of this order be handed over to the learned counsel for the University.