

(2015) 04 PAT CK 0027

In the Patna High Court

Case No : Civil Writ Jurisdiction Case Nos. 3806 and 3560 of 2015

Pankaj Singh and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 16-04-2015

Acts Referred:

Citation : (2015) 04 PAT CK 0027

Hon'ble Judges : Ajay Kumar Tripathi, J.

Bench : Single Bench

Advocate : Prashant Kumar, for the Appellant; Ashish Kumar La, A.C. to G.A.,
Advocates for the Respondent

Final Decision : Dismissed

Judgement

Ajay Kumar Tripathi, J.—Heard learned counsel for the parties.

2. Two writ applications have been filed. Both of them are taken up together because the petitioners are students of various colleges located in the geographical boundary of J.P. University, Chapra. They demand a direction upon the respondent-authorities, especially the university that they will be permitted to appear in the ensuing final examination in graduation courses to be conducted by the university since they had taken admission in various courses in the colleges in question as bona fide students.

3. In support of such a prayer, the petitioners also annexed Annexure-6, dated 25.11.2014. This is a letter addressed to the Registrar of J.P. University, Chapra by a functionary of the Education Department, Government of Bihar, Patna.

4. Matter was initially heard and the Court had serious reservation as well as the bona fide of the official concern to issue such a letter to the Registrar of the university under the controversy that 53 newly established colleges had not yet been granted affiliation by the university. In absence of any affiliation in terms of the provisions of Bihar Universities Act, there is no obligation created upon the university to conduct any examination of any student, who was not legally and

validly enrolled and registered with the university.

5. This Court has nothing to say with regard to the authenticity of the colleges, including their capability to dispense quality of education, because all these aspects are required to be looked into by the university before granting affiliation.

6. As usual, the students have been as a bait to beget indulgence and mercy from the Court, but this Court is not moved by the prayer made by the petitioners because they do not have any law in support of the relief they are looking for. The Court may have sympathy with them, but can not pass an Order upon the respondent-university to conduct any examination unless the students are enrolled with the university and any recognition or affiliation is granted to these colleges, whose students these petitioners are. The legal obligation not being in question under the controversial circumstances coupled with the fact that when the Principal Secretary of Education, Government of Bihar was directed to file a counter affidavit indicating the circumstances under which Annexure-6, dated 25.11.2014 came to be issued, as he after offering his explanation has withdrawn the said communication.

7. With the above development, the status of the petitioners becomes even weaker than what it was.

8. The Court is left with no option but to dismiss the writ application and not allowed any kind of indulgence to these institutions who are taking students for a right, in fact, they should be appropriately dealt with by the authorities for being a law by themselves.

9. In view of the aforesaid facts and circumstances, writ application stands dismissed.