
(2008) 11 PAT CK 0063
In the Patna High Court
Case No : LPA No.796 of 2007

Pushpa Kumari and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 12-11-2008

Acts Referred:

Citation : (2008) 11 PAT CK 0063

Hon'ble Judges : R.M. Lodha, J;Kishore K. Mandal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. By the impugned order dated 24th August, 2007, three writ petitions came to be disposed of by the Single Judge. Aggrieved by this order, Bhagwan Budha Prathamik Teachers Training Collge, petitioner in CWJC No.7055/2007 preferred Letters Patent Appeal being LPA No.780/2007. The said Letters Patent Appeal has been dismissed by us today by a separate order in view of the order dated 02nd September, 2008 issued by the State Government (Human resources Development Department) whereby recognition granted to that institution earlier vide order dated 16th March, 2007 has been withdrawn. We disposed of that Letters Patent Appeal by the following order:

Along with an affidavit of the respondent nos. 4 to 6 handed in today by the Additional Advocate General-III, an order of the State Government (Principal Secretary, Human Resources Development Department) contained in memo no. 309 dated 02nd September, 2008 has been placed on record. By this order, the recognition granted to the appellant vide order contained in memo 57 dated 16th March, 2007, has been withdrawn.

2. In the light of the order dated 02nd September, 2008, the appellant is not entitled to any relief as the appellant-Institution does not have any recognition and the recognition accorded to it vide order dated 16th March, 2007, has been withdrawn.

3. Letters Patent Appeal, therefore, has to be dismissed and is dismissed.

4. We, however, clarify that this order shall not preclude the appellant in challenging the legality and correctness of the order dated 02nd September, 2007 by means of an independent substantive proceedings. It will also be open to the appellant to seek all incidental and consequential reliefs in that writ petition. We further observe that in that event, the order dated 24th August, 2007 passed by the Single Judge shall not be any impediment for consideration of all aspects that may be raised in such writ petition independently.

2. The present appeal is by the students (petitioners in CWJC No.7321/2007) of that institution. In our considered view, the appellants are not entitled to any relief in the light of dismissal of Letters Patent Appeal preferred by the Institution.

3. Letters Patent Appeal is, accordingly, dismissed with no order as to cost.