

(2013) 07 PAT CK 0033
In the Patna High Court
Case No : CWJC No. 20751 of 2011

Ranjan Kumar Pandit

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 03-07-2013

Acts Referred:

Citation : (2014) 1 PLJR 346

Hon'ble Judges : Navaniti Prasad Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Navaniti Prasad Singh, J.—The six petitioners had taken admission in the Department of Education, Veer Kunwar Singh University for one year B.Ed. course of the University. When the time of final examination came they found that they were not being permitted to take the final examination. This is what brought the petitioners to this Court. By an interim order of this Court they were permitted to take the examination.

2. A counter affidavit has been filed by the University in which it is stated that the petitioners were not admitted according to the merit. This having been subsequently discovered, the Principal was transferred and the petitioners have been restrained from appearing in the final examination.

3. Learned counsel for the petitioners has brought on record and submitted that when the first merit list for admission to the course was published there were some vacancies. Ultimately even after 3rd merit list some seats were left unfilled. Accordingly it was notified that the seats would be filled up by first come first join from the applicants who were otherwise qualified. Accordingly the petitioners approached the Principal and upon his direction they deposited the fee by bank draft in favour of the University amounting to Rs. 35,000/- each. They were accordingly admitted to the course. They pursued the course including training but when the question of final examination came this controversy was raised and

now they have been debarred from final examination. Learned counsel for the petitioners submits that they have deposited the fee and form. They have pursued the course. These facts are not disputed. It is also not disputed that no person ever complained of being wrongly deprived of admission. It has also not been alleged that at the cost of some other the petitioners have got back door entry. It is also not disputed that the petitioners were not qualified to be admitted to the course. Under these circumstances debarring the petitioners at the end would not be proper. He further submits that the petitioners having given the examination, the result of others having been published, the University may now be directed to publish the result of the petitioners.

4. Having considered the matter, in my view, the writ petition must succeed.

5. From the facts noted above it is not denied that the petitioners got admission on seats which were not to be filled. It is also not disputed that they deposited the entire fee by bank draft upon permission being granted by the Principal. It is not disputed that they pursued the course as regular students and completed. It is also not disputed that at no point of time through out this period neither the University or the Department restrained them in any manner. This came when the course was completed and they were required to take the final examination. In my view at that stage it was too late in the day to act. Thus, the petitioners already having taken the examination, the University would be obliged to publish the result forthwith. In the result, the writ petition is allowed.