
(2002) 01 PAT CK 0107
In the Patna High Court
Case No : C.W.J.C. No. 7235 of 2000

Ranju Kumari and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 29-01-2002

Acts Referred:

Citation : (2002) 1 BLJR 536 : (2002) 1 PLJR 592

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard Counsel for the parties.

2. By this writ application, the petitioners have prayed for quashing of the order dated 6-4-1999, as contained in Annexure-10, issued under Memo No. 133(6) dated 6-4-1999 and also to issue a writ of mandamus commanding upon respondent No. 5 to permit the petitioners and similarly situated students to appear in the ensuing revised A.N.M. examination.

3. The writ petitioners are students of Raj A.N.M. Training School, Mazaffarpur, who have taken their admission in the school in the years 1997 and 1998 irrespective of the fact that the temporary recognition of the school in question was withdrawn/cancelled on 24-12-1996. Now, they have made a prayer to allow them to appear in the ensuing A.N.M. examination, as they have completed their course in the school in question.

4. Learned Counsel appearing on behalf of the petitioners submitted that since the petitioners are bona fide students of the school in question and have completed their course, they should be allowed to appear in the ensuing A.N.M. examination and their fate will depend upon the recognition of the school.

5. A counter-affidavit has been filed on behalf of the respondent State stating therein, inter alia, that the school, where the petitioners have taken their

admission is a private training school and the petitioners were admitted after 24-12-1996, on which date temporary recognition of the school in question was withdrawn/cancelled by the State Government, and, in that view of the matter, they cannot be permitted to appear in the ensuing A.N.M. examination and the writ application does not merit consideration.

6. It appears from materials on record that sometime in the year 1989 and on basis of the temporary recognition granted to the school in question, it started the course and took admission of the students and thereafter, temporary recognition was granted to the school in question was cancelled vide order dated 24-12-1996. The order of cancellation dated 24-12-1996 was challenged before this Court by the Principal of the school in Civil Writ Jurisdiction Case No. 3044 of 1997 mainly on the ground that the principles of natural justice were not followed in withdrawing the recognition of the school in question. This Court, ultimately, disposed of the writ application on 29-10-1998 and set aside the order dated 24-12-1996 passed by the State Government withdrawing recognition to the school in question and directed the authorities to take a decision afresh after giving an opportunity of being heard to the petitioner and in case, the authority decides to cancel the temporary recognition granted to the school, he would pass appropriate orders concerning the students, who were admitted to the school before cancellation of the recognition. The Commissioner, pursuant to the direction of this Court, considered the show-cause filed by the writ petitioner of that case and passed the order, as contained in Annexure-10 to the present writ application holding that the institution does full the conditions, which are necessary for the grant of recognition, so, the temporary recognition given to the institution is cancelled. The Commissioner, however, directed the Principal of the school to submit a list of those students, who were admitted before 24-12-1996, so that their cases may be examined and they may be allowed to appear in the A.N.M. examination.

7. It further appears that after filing of Civil Writ Jurisdiction Case No. 3044 of 1997, some of the students also filed Civil Writ Jurisdiction Case No. 11346 of 1997. Civil Writ Jurisdiction Case No. 11346 of 1997, however, was taken up for admission on 15-4-1999 by a bench of this Court, where the petitioners, ultimately, prayed before the Court for implementation of the order, as contained in Annexure-10 dated 5-4-1999 and this Court pursuant to the prayer of the petitioners disposed of the writ application in the following manner:

Accordingly, we direct the Health Commissioner, Government of Bihar, Patna, respondent No. 1, to see that his aforesaid order passed on 5-4-1999 contained in Memo No. 133(6) dated 6-4-1999 is carried out within a period of three months from the date of receipt/production of a copy of this order by the petitioners before respondent No. 1. In case, after carrying out the direction in the aforesaid order the authorities comes to the conclusion that the persons who had appeared in the examination pursuant to our aforesaid direction dated 13-3-1998, were admitted as directed by the Health Commissioner in his

aforesaid order dated 5-4-1999, their results shall be published forthwith.

With the aforesaid direction the writ application is, thus disposed of.

8. From the materials on record and the pleadings of the parties, it is manifest that the petitioners took admission in the school at their own risk in the years 1997 and 1998, when the recognition to the school in question stood withdrawn on 24-12-1996. This Court in subsequent two writ applications, therefore, only directed for allowing those students to appear in the A.N.M. examination who had taken admission prior to the date of cancellation of the recognition of the school. The writ petitioners have since taken their admission in the school in question at their own risk after 24-12-1996, on which date recognition of the school in question was withdrawn, they do not have any legal right to maintain this writ application.

9. For the reason aforementioned, therefore, I do not find any merit in this application. It is, accordingly, dismissed.

10. No order as to costs.