

(2003) 01 JH CK 0075

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4194 of 2002

Shyama Prasad College

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 13-01-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 51 BLJR 575 : (2003) 2 JCR 550

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Rajiv Ranjan, for the Appellant; A.K. Mehta, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner, Shyama Prasad College, Tatanagar was established in 1985 and was granted affiliation in respect to one or other subject since the sessions 1985-88, as detailed below :--

Pass Course

Affiliation letter No. and date

Sessions for which affiliation granted

Subjects b.a./b.sc./ B.Com. Pass

15/A-100

Three Sessions

Arts: English

Bengali,

Education

Bihar Government

from 85-86

85-86

Hindi Economics

HistoryPhylos ophy

Education

86-87

Home Science

Pol.

Department

87-88

Science

Sanskrit

Mathematics

Satistics,

MIL

(Hindi & Bengali)

Science Physics

Chemistry

Zoology,

Botony

Maths

Commerce All

Oompulsory Subjects.

15 AI-018/86 MaNa

Two Sessions

All Subjects Previously Bi

From 1988-89

Memo No. 865

88-89

Dated 11.08.89

89-90

15-A 1-018/86 OuShi

1990-91 to 1994-95

All subjects previously

Memo No. 364

affiliated.

Dated 11.06.94

Sessions

15 A 1-081/86 Ou Shi

Three Sessions

All subjects previously

Memo No. 752

From 1995-96 affiliated

Dated 30.12.96

95-96

96-97

97-98

Hons. level Course

Affiliation letter no and

Sessions for which Subjects

dated

Affiliation granted B.A/B.Sc./B.Com -Pass

15/A 1-18/86 Ou Shi

From 1994-95 lor

B.A. Hons

Bengali,

Memo No. 259 dated Sessions

Pol. Science

14.07.95

94-96

B.Com Hos. All Commerce

95-96

Courses B.Sc Hons.

96-97 15 AM 9/86

Physics 30

Maths. 95-96

B.A. Hons. Hindi

96-97

Economics

Home Science

97-98

98-99

94-95

95-96

B.Sc. Hons. Chemistry,

96-97

Zoology

97-98

98-99

97-98

B.Sc. Hons Botany

99-2000

Memo No. 1596 dated

From 97-98 for next

B.A. Hons

Bengali,

26.10.1998

Three Sessions

Pol. Science

From 97-98 next three

B.Com. Hons. All

Sessions

Compulsory subjects

From 97-98 for next

B.Sc. Hons Physics

Maths.

Three Sessions

2. It appears that the question relating to permanent affiliation/extension of affiliation of the college remained pending before the State. In the meantime, the students were admitted in different courses which were earlier affiliated. Subsequently, no final order of affiliation having been issued and the college authority having felt difficulty to get the students appeared in the forthcoming examination, the present writ petition was preferred.

3. This Court vide interim order dated 6th August, 2002 allowed nine students to appear part-II examination of different subjects in view of Government decision contained in letter dated 20th July, 2002. The details of the students are given hereunder :--

Sl. No. Name of the student Subject Session

1. Ajit Kumar Mishra B.Sc. (Geo) 2000-03 (Part II)
2. K. Ishwar Prasad B.Sc. (Maths) 2000-03 (Part II)
3. Kamlesh Singh B.Sc. (Maths) 2000-03 (Part II)
4. S. Kumar B.Sc. (Maths) 2000-03 (Part II)
5. Nisha Kumari B.Sc. (Maths) 2000-03 (Part II)
6. Pushpa Kumari B.Sc. (Chemistry) 2000-03 (Part II)
7. Manoranjan Bhakat B.A. (Econ) 2000-03 (Part II)
8. Sandhya Singh B.A, (His. Hons.) 2000-03 (Part II)
9. Pinaki Ghosh B.A. (His. Hons.) 2000-03 (Part II)

4. A counter affidavit has been filed on behalf of the State. It is stated that the Registrar, Ranchi University has been directed through letter No. 04 dated 2nd January, 2003 to look into the matter ex-peditiously and in accordance with law. Counsel for the State states that in absence of the decision of the Ranchi University and its report, final order could not be passed by the State Government.

5. Mr. A.K. Mehta, counsel for the Ranchi University submitted that the University will take immediate step and forward its report with recommendation to the State Government on an early date.

6. Counsel for the petitioner in his turn brought to the notice of the Court that earlier the University obtained report relating to college which was submitted on 10th March, 2000 (Vide Annexure-1). In spite of the same, second time report has been sought for.

7. Having regard to the facts and circumstances, the case is remitted to the respondents with following directions :--

(i) The University will sent its report and recommendation to the State of Jharkhand within one month from the date of receipt/ production of a copy of this order.

(ii) The State Government in its turn will pass its order/relating to permanent affiliation of the college in respect to subject, concerned on the basis of the report and recommendation within three weeks from the date of receipt of report and recommendation.

(iii) The State Government in the meantime will also determine and pass order and give direction to the University whether the result of the students will be published or not, subject to the permanent affiliation of the college within one month from the date of receipt/production of a copy of this order.

8. The Ranchi University will act accordingly.

9. The petitioner will produce a copy of this order before the Vice-Chancellor, Ranchi University and the Secretary, Higher Education, Government of Jharkhand.

10. The writ petition stands disposed of, with the aforesaid observations/ directions.