
(2007) 07 PAT CK 0154
In the Patna High Court
Case No : CWJC No. 5811 of 2007

Sunayana Devi

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 20-07-2007

Acts Referred:

Citation : (2007) 4 PLJR 495

Hon'ble Judges : Navaniti Pd. Singh, J

Bench : Single Bench

Advocate : Anil Kumar, for the Appellant; Jugal Kishore for the Magadh University and Mr. Kumar Alok for the State, for the Respondent

Final Decision : Allowed

Judgement

Navaniti Pd. Singh, J.—Heard the parties and with their consent, this application is being disposed of at the stage of admission itself. The present writ application has been filed by the petitioner for issuance of an appropriate writ and/or direction to the respondents, that is the respondent-State and its authorities and the Magadh University, to treat the mark-sheet and the certificates issued by the Magadh University for the B. Ed. Examination successfully undertaken by the petitioner from Sidharth Mahila Shikshak Prashikshan Mahavidyalaya under the Magadh University as valid for all purposes.

2. The petitioner had taken admission for the said course in the academic session 1988-89 in the said institution under the Magadh University. It is not in dispute that at that particular time, the University had granted the provisional affiliation to the institution for the said course. While the provisional affiliation was still valid, the petitioner completed her studies. Subsequently in 1992, the recognition granted by the State Government on basis of which affiliation was granted by the Magadh University was withdrawn with immediate effect. Notwithstanding the aforesaid as apparently the petitioner had completed her course at the time when provisional recognition and provisional affiliation was valid, the University took the examinations in 1994 and declared the results and

issued certificates. Now it seems the petitioner, while seeking employment when produced the mark-sheet and the certificates, she is being told that as her institution was derecognized and deaffiliated, the mark-sheet and the certificates were invalid. It is submitted that such a stand is incorrect inasmuch as the petitioner had completed the course when undisputedly there was provisional recognition and affiliation. The University took the examination and declared the results. In such view of the matter the students, who had taken admission while the affiliation was valid and completed the course during the said period, cannot be blamed if subsequently, for any reason, the institution is deaffiliated or derecognized. The question, in my view, has been settled by several decisions of this Court including CWJC No. 14133 of 2006 disposed of on 29.11.2006 (Annexure-7) which dealt with the same institution and in respect of the very same period. In that view of the matter, this writ application is allowed with a direction that the mark-sheet and the certificates granted by Magadh University in respect of petitioner's B. Ed. course in respect of session 1988-89 would be deemed to be valid and effective for all purposes and intent and cannot be ignored or held to be invalid on any count.