
(2011) 03 PAT CK 0102

In the Patna High Court

Case No : MJC No. 866 of 2011 in CWJC No. 9627 of 2010

The Association of Inter Examinee Students (Session
2009-11) of Shri Anugrah Narayan Singh College

APPELLANT

Vs

The Bihar School Examination Board and Others

RESPONDENT

Date of Decision : 04-03-2011

Acts Referred:

Citation : (2011) 44 PLJR 626

Hon'ble Judges : R.M. Doshit, C.J.; Jyoti Saran, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

R.M. Doshit, C.J.—This application for review has been filed by the Association of Inter Examinee Students (Session 2009-11) of Shri Anugrah Narayan Singh College, Motihari for review of the order dated 30th September, 2010 made in above C.W.J.C. No. 9627 of 2010 reported in Sanjay Kumar Vs. Bihar School Examination Board and Others, . The ground for review is that the concerned students studying in the aforesaid Shri Anugrah Narayan Singh College, Motihari had no opportunity of hearing before this Court.

2. The above C.W.J.C. No. 9627 of 2010* was filed in public interest against the action of the Bihar School Examination Board in giving code number to the aforesaid Shri Anugrah Narayan Singh College, Motihari. The allegation was that the said college was not recognized, nevertheless, it had been given code number so as to allow it to send its students for Board Examination. In order under review, we have observed that the said College had no recognition, it should, therefore, be not given the code number. In absence of recognition or affiliation to the Bihar School Examination Board the said College was not entitled to admit students nor the students were entitled to take the Board Examination. In view of the said finding, we had set aside the action of the Bihar School Examination Board in granting code "number to the said College and observed that the legal consequences shall follow. Consequently, the students

admitted by the said College are not allowed to take the Board Examination.

3. Learned Counsel Mr. Giri has appeared for the applicant. He has submitted that the students were not party to the petition. They were not aware of the status of the said College. The aforesaid order, therefore, should be treated as prospective and the students of the academic term 2009-11 be allowed to take the Board Examination.

4. We are afraid, we are unable to review the order or issue direction to make it prospective in the manner suggested by Mr. Giri. Though we have full sympathy with the students, in view of the prevalent rulings of the Hon''ble Supreme Court and the High Courts, the students of an unrecognized and unaffiliated institution cannot be permitted to take the Board Examination. Nor the students were required to be heard in the above C.W.J.C. No. 9627 of 2010 reported in Sanjay Kumar Vs. Bihar School Examination Board and Others, , which was a matter between the Bihar School Examination Board and the College.

5. For the aforesaid reasons, the application is rejected.