

(2020) 09 PAT CK 0211

Patna High Court**Case No:** Letters Patent Appeal No. 260 Of 2020, Civil Writ Jurisdiction Case No. 23545 Of 2019

Adarsh Aryan And Anr

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision: Sept. 16, 2020**Hon'ble Judges:** Sanjay Karol, CJ; S. Kumar, J**Bench:** Division Bench**Advocate:** Purnendu Singh, Akshansh Ankit, Y.V. Giri, Dr. K.N. Singh, Pawan Kumar**Final Decision:** Dismissed

Judgement

Heard learned counsel for the parties.

Aggrieved by the judgment and order dated 07.07.2020 passed in CWJC No. 23545 of 2019, by learned Single Judge, appellant-petitioner have preferred this letters patent appeal.

Briefly stated, the facts of the case is that JEE Main Examination was conducted for admission in different engineering colleges including IITs &

NITs and appellant-petitioner no. 1 (Adarsh Aryan) appeared in said competitive examination and as per his ranking he was allotted 5 years

intergrated course (Chemistry) in NIT, Patna, Bihar and he took admission in NIT, Patna, in academic session 2018-19.

Students admitted to 4 years B.Tech programme and 5 year M.Sc (Chemistry) programme were eligible for consideration for a change of branch to

any engineering or intergrated M.Sc (Chemistry) programme. After completing his 1st year consisting of 2 semesters appellant-petitioner no. 1

(Adarsh Aryan) applied for change of branch on 29.06.2019 from his present course of 5 years integrated M.Sc. (Chemistry) to B. Tech of 4 years

course as per the Rules uploaded on the website of NIT, Patna. Change of branch was invited from 1st year eligible students of B. Tech and

integrated M.Sc (Chemistry) programme to be promoted in 3rd semester and to continue onwards. The change in branch will be in accordance with

the B.Tech revised curricula 2016 (Appendix-iv) effective from 2016-17 and onwards. Change of the branch shall be made strictly on the basis of

inter se merit of the applicants.

Change of the branch was not allowed by the Institute for the reason that as per clause-6(c) of Appendix-iv of curricula of 2016 effective from 2016-

17 and onwards which stipulates that for change of branch number of students should not fall below 80 per cent of the actual intake of the

programme. In the academic session 2018-19 in the integrated M.Sc (Chemistry) programme, 14 students took admission and 20 per cent of 14

students is 2.8 i.e. equal to 3 students and on the basis of marks obtained by the appellant he stood at 4th position hence, he could not be allowed for a

change of branch. At the time of induction programme after admission in 5 years integrated M.Sc (Chemistry) programme information booklet was

circulated to all the admitted students which also contained Rule-6(c) for change of branch.

Appendix-IV 6(c)(d) reads as follows:-

6(c). Also such change from any branch is to be made keeping in view that the total strength of the Branch does not fall below 80 per cent of the

sanctioned yearly intake for that Branch.

6(d) For integrated M.Sc programme the strength of the Branch should be considered as actual intake for 1st three years thereafter the provision may

be reviewed and revised.

Notes:- clarification for clause 6 Appendix-IV above.

The sanctioned yearly intake of a particular branch shall be the number sanctioned by the senate as the intake for that Branch for the particular year

of the entry of the applicants. To compute the total number of students in the 1st year sum of the sanctioned yearly intake of all the Branches will be

taken.

For the purpose of calculating the actual number of students in a particular branch the number of students joining the branch under clause 6(a) is to be included.

In case of branch of appellant even 6(d) is read in isolation, the intake for session 2015-16 is 10, for the sessions 2016-17 is 12, for the Session 2017-

18 is 12 and for the session 2018-19 is 14 and as such average of intake for 1st three years will be less than 14 and in that case also appellant could not be benefited.

After hearing the parties and considering the materials available on record, this Court does not find any infirmity or error in the order passed by the learned Single Judge, requiring any interference by this Court.

Accordingly, the LPA is dismissed.