

(2013) 05 JH CK 0002

Jharkhand High Court

Case No: WP (C) No. 7212 of 2012

Ram Govind Institute of
Technology

APPELLANT

Vs

Vinoba Bhave
University and Others

RESPONDENT

Date of Decision: May 15, 2013

Citation: (2013) 4 JLJR 123

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: Afaq Ahmad, for the Appellant; Rajesh Kumar for the State and Mrs. I. Sen Choudhary for the University, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Aparesh Kumar Singh, J.

I.A. No. 3060/13

1. The petitioner college, through the instant I.A., has made a prayer that the students of IInd, IVth and VIth Semester in the respective sessions of 2010-11, 2011-12 and 2012-13 may be allowed to appear in the examination which is scheduled to commence from 28th of May, 2013 for which the University has notified the schedule of examination, as shown in Annexure-19 series to the instant I.A. It is the contention of the learned Senior Counsel, appearing on behalf of the petitioner, that this college has been duly recognized by AICTE up to the session 2013-14. The University has also granted affiliation to the said college and the State has also granted approval of such affiliation for the said sessions 2009-10, 2010-11 and 2011-12 vide its letter dated 28th February, 2013 (Annexure-20 to the present I.A.). It is submitted on behalf of the petitioner that for carrying out inspection for the session 2012-13, the requisite fee has been deposited on 10th of October, 2012. The University was supposed to carry out inspection and make recommendation to the

State Government for onward approval of affiliation for the next session, however, the University has not yet inspected the college in question and therefore, on account of laches on the part of the University, students who have already undertaken their courses for the sessions, indicated hereinabove, are likely to be prevented from participating in the coming exams. scheduled from 28th of May, 2013.

2. On the last occasion, the present petitioner had come with a prayer by way of I.A. No. 2538/12, to allow the students of VIIIth semester Engineering Course who had taken admission in the session 2009-10 to participate in the examination scheduled from 10th of May, 2013 in which, as per examination schedule published by the University, name of the petitioner college was missing. This Court, after taking note of the submissions of the parties, passed the order on 7th May, 2013. The students whose exams. are scheduled to commence from 28th of May, 2013 belong to sessions 2010-11, 2011-12 and 2012-13.

3. As indicated in the last order, institution has been granted recognition till the academic session 2012-13. It is informed that it has been further extended to the session 2013-14 by the AICTE. It therefore appears that the University which was under obligation to undertake an inspection of the college in question for the relevant academic session, has not done its part till date leaving once again the fate of the students of IVth, VIth and VIIIth Semester hanging in balance.

4. Counsel for the respondent University submits that on recommendation of the University, Department of Science and Technology, Government of Jharkhand has granted approval of the affiliation of the said college for the relevant sessions and directed the University to hold exams. for the Ist, IIIrd, Vth and VIIth Semester in December 2012 vide letter dated 4.12.2012 (Annexure-C to their counter affidavit). However, it appears that the University has not done its part and on that account, interest of the students who have already appeared in Ist, IIIrd and Vth Semester in December 2012 may suffer if they are not allowed to participate in the ensuing examination. In such circumstances therefore, in the interest of justice, the students of IInd, IVth and VIth Semester of the petitioner college are allowed to appear in the examination scheduled to commence from 28th of May, 2013. The University and the respondent State through its Department of Science and Technology should undertake an exercise in relation to inspection and grant of extension of affiliation of such institute within a specified time frame, preferably within a period of six weeks.

Accordingly, I.A. is disposed of in the aforesaid terms.

Let a copy of the order be given to the counsel for the respondent University.