

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 673 OF 2016  
(Arising out of SLP (C) No.7233 of 2007)

V.C., B.N. MANDAL UNIVERSITY & ORS. APPELLANT(S)

VERSUS

STATE OF BIHAR & ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO. 674 OF 2016  
(Arising out of SLP (C) No.7256 of 2007)

CIVIL APPEAL NO. 675 OF 2016  
(Arising out of SLP (C) No.7259 of 2007)

CIVIL APPEAL NO. 676 OF 2016  
(Arising out of SLP (C) No.7260 of 2007)

CIVIL APPEAL NO. 677 OF 2016  
(Arising out of SLP (C) No.7261 of 2007)

CIVIL APPEAL NO. 678 OF 2016  
(Arising out of SLP (C) No.7265 of 2007)

CIVIL APPEAL NO. 679 OF 2016  
(Arising out of SLP (C) No.7266 of 2007)

CIVIL APPEAL NO. 680 OF 2016  
(Arising out of SLP (C) No.7269 of 2007)

CIVIL APPEAL NO. 681 OF 2016  
(Arising out of SLP (C) No.7274 of 2007)

CIVIL APPEAL NO. 682 OF 2016  
(Arising out of SLP (C) No.7321 of 2007)

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ASHOK RAJ SINGH

CIVIL APPEAL NO. 683 OF 2016  
(Arising out of SLP (C) No.7356 of 2007)

Date: 2016.02.26

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Reason:

CIVIL APPEAL NO. 684 OF 2016  
(Arising out of SLP (C) No.7362 of 2007)

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CIVIL APPEAL NO. 685 OF 2016  
(Arising out of SLP (C) No.7392 of 2007)

CIVIL APPEAL NO. 686 OF 2016  
(Arising out of SLP (C) No.7419 of 2007)

CIVIL APPEAL NO. 687 OF 2016  
(Arising out of SLP (C) No.7422 of 2007)

CIVIL APPEAL NO. 688 OF 2016  
(Arising out of SLP (C) No.7423 of 2007)

CIVIL APPEAL NO. 689 OF 2016  
(Arising out of SLP (C) No.13778 of 2007)

CIVIL APPEAL NO. 690 OF 2016  
(Arising out of SLP (C) No.14668 of 2007)

CIVIL APPEAL NO. 691 OF 2016  
(Arising out of SLP (C) No.16219 of 2008)

CIVIL APPEAL NO. 693 OF 2016  
(Arising out of SLP (C) No.21636 of 2008)

CIVIL APPEAL NO. 694 OF 2016  
(Arising out of SLP (C) No.7650 of 2009)

CIVIL APPEAL NO. 695 OF 2016  
(Arising out of SLP (C) No.20046 of 2009)

CIVIL APPEAL NO. 696 OF 2016  
(Arising out of SLP (C) No.30906 of 2009)

CIVIL APPEAL NO. 697 OF 2016  
(Arising out of SLP (C) No.3058 of 2016)

O R D E R

Delay condoned in SLP (C)..CC No.18885 of 2015.

Leave granted.

These appeals arise out of the common order dated  
05.01.2007 passed by a Division Bench of Judicature at

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Patna whereby a batch of writ appeals filed by the  
respondents before the High Court have been allowed and an  
order dated 28.03.2001 passed by the learned Single Judge  
besides a Notification dated 19.05.2000 issued by the  
University set aside/quashed.

Several colleges offering a Degree Course in  
Education appear to have been established in the State of

Bihar in the late 1980s. Muslim Minority Ahmadia B.Ed.

College, Katihar is one such college that is said to have

come into existence some time in the year 1987.

Admissions to one-year B.Ed. course were made by the said

college like other colleges from the year 1987-1988 onwards. While Ahmadia College was affiliated to the appellant B.N. Mandal University other colleges were similarly affiliated to other Universities in the State of Bihar.

In the year 1999 the Vice-Chancellor of the appellant-University appears to have received certain complaints regarding malpractices in some colleges including Ahmadia College in relation to admissions and holding of examination. The Vice Chancellor accordingly directed a vigilance inquiry into the affairs of four colleges including Ahmadia College. The inquiry report submitted to the Chancellor in due course pointed out that the grant of recognition and affiliation to all the four

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colleges which were the subject matter of the inquiry were all fraudulent. Based on the said report the appellant-University took a decision and by a notification dated 19.05.2000 cancelled the degrees awarded to the students who appeared as candidates from Ahmadia B.Ed.

College, Katihar. Aggrieved the respondent students filed a batch of writ petitions before the High Court of Judicature at Patna. Similar writ petitions were filed by students of other three colleges also which were all heard together and dismissed by a Single Judge of the High Court of Patna by an order dated 28.03.2001. It is noteworthy that while students aggrieved of the cancellation of their degrees had questioned the Notification issued by the appellant University, Ahmadia B.Ed. College, Katihar had not itself chosen to do so. Out of the remaining three colleges also none of the colleges except one came forward to challenge the Notification issued by the University.

Aggrieved by the order passed by the learned Single Judge of the High Court, the writ petitioners including

the respondents herein filed a batch of Letter Patents Appeals before a Division Bench of the High Court at Patna. The Division Bench dismissed the Letter Patents Appeals filed by the students of all those three remaining colleges while allowing the appeals filed by the respondents herein qua Ahmadia B.Ed. College, Katihar.

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The Division Bench took the view that the cancellation of the degrees by the appellant-University was unjustified and created an anomalous situation inasmuch as the learned Single Judge of the High Court of Patna had in CWJC No.912 of 2001 directed the University to conduct the B.Ed. examination for the students of Ahmadia B.Ed. College, Katihar implying thereby that the College was according to the High Court in existence and the students admitted to the same entitled to appear in the examination. Any finding that would run contrary to the said direction was, observed the court unsustainable. The High Court accordingly reversed the view taken by the Single Judge and while allowing the batch of writ petitions filed by the respondents herein quashed Notification dated 19.05.2000 to the extent the same directed cancellation of the degrees granted to them. The present appeals as noticed in the beginning assail the correctness of the said judgment and order passed by the High Court.

Before we advert to the primary issue that falls for our consideration we also deem it appropriate to mention that the majority of the respondents who got admission to the Ahmadia B.Ed. College, Katihar hail from the State of Bihar and while some of them are from the State of Rajasthan. Since those from the State of Rajasthan appear to have secured employment in that State on the basis of

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the degree/qualification awarded to them by the appellant-University, the issuance of Notification dated

19.05.2000 by the appellant-University cancelling the degrees jeopardized the service of the candidates or the State of Rajasthan who appears to have terminated the same. Aggrieved by the said termination, the candidates filed writ petitions before the High Court of Rajasthan at Jodhpur Bench which petitions were dismissed by a learned Single Judge of that Court by an order dated 11.08.2005. Aggrieved by the dismissal of the said petitions, some of the candidates appear to have filed writ appeals which have been disposed of by a Division Bench of the High Court in terms of an order dated 28.01.2014 whereby the High Court has reserved liberty for the candidates to revive the appeals if the present proceedings which had also been lodged by that time concluded in favour of the validity of the degrees secured by the respondents.

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said order of the Division Bench of the High Court is not under challenge before us. Even so some of the candidates from the State of Rajasthan have filed I.A. No.3 of 2015 in SLP (C) No.7259 of 2007 seeking permission to intervene in these proceedings. Their case like the respondents in

the main appeals is that the cancellation of the degrees by the impugned Notification dated 19.05.2000 is legally unsustainable and that they ought to have been heard before directing such cancellation especially when any

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such cancellation was bound to affect the said intervenors with serious civil consequences in the nature of termination of their services in the State of Rajasthan.

When the matter came up for hearing on the last occasion we were of the view that the cancellation of the degrees by the University in terms of the impugned Notification dated 19.05.2000 proceeded entirely on the basis of a vigilance inquiry ordered by the Chancellor.

It was common ground that in the course of the said

inquiry proceedings the respondent candidates who were likely to be affected by any adverse action in regard to the degrees awarded to them were never given an opportunity of being heard in the matter.

We were of the view that having regard to the consequences that followed from the Notification it would be more appropriate if a proper inquiry into the question whether the College existed and whether the candidates said to have been admitted to the same had indeed undergone the courses to entitle them to the award of the degrees in their favour should be conducted and the matter looked into more closely by an inquiring officer to be appointed for that purpose. It was in that spirit that we had directed

counsel for the appellant-University to secure the presence of the Vice Chancellor of the University to enable us to pass appropriate orders in the matter. Mr.

Vinod Kumar, Vice-Chancellor of the appellant University is accordingly present in person with the Registrar of the University along with his counsel whom we have heard. We must mention to the credit of counsel for the University and the Vice-Chancellor that both of them were not averse to the idea of the matter being subjected to a closer scrutiny and a detailed inquiry in regard to the validity of the degrees qua the respondents and the intervenors before us. It is submitted that this Court could in order

to satisfy its conscience as also to ensure fairness to the candidates concerned direct such an inquiry by a former Judge of the High Court of Patna well versed with judicial process and procedure and importance of adopting a judicial approach in such matters. Dr.G.C. Bharukha, learned senior counsel appearing for the respondents-students and Dr.J.N Dubey, learned senior counsel for the intervenors were also agreeable to the issue of an appropriate direction for the conduct of a

fresh and further inquiry into the question of validity of the degrees awarded to the respondents and the intervenors.

In the circumstances, therefore, and having regard to the submissions made at the Bar we are of the view that instead of directing an inquiry by a former Judge of the High Court which would involve additional expenditure for

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the University which is largely funded by the State Government, it would be more appropriate if we direct a proper inquiry to be conducted by the Lokayukta of the State of Bihar who happens to be a former Judge of the High Court of Patna. We accordingly request the Lokayukta in the State of Bihar to hold an inquiry into the following three aspects:-

(1) Whether Ahmadia B.Ed. College, Katihar had the necessary infrastructure such as land, building, class rooms, library, hostels etc. to run/impart B.Ed. courses to students admitted to the same.

(2) Whether the respondents in these appeals and the intervenors (I.A. No.3 of 2015) were actually admitted to the said college and had actually pursued B.Ed. courses during the relevant years or had procured or purchased their degrees through commission agents as is alleged in the vigilance report dated 28.06.1999.

(3) Whether the respondents and the intervenors had undergone the prescribed practical training for B.Ed. course.

Needless to say that the respondents and the intervenors shall be free to appear before the Lokayukta and participate in the inquiry proceedings. Since the respondents are represented before us no further or fresh

notice shall be necessary. The respondents shall appear before the Lokayukta on 15.04.2016.

The Lokayukta shall be free to summon any witness considered relevant for determining the issues mentioned above or record from any quarter including the records from Muslim Minority Ahmadia B.Ed. College, Katihar and the appellant-University. The Lokayukta shall also provide to the respondents-candidates and the intervenors liberty to adduce any oral or documentary evidence if they so desire.

Upon completion of the inquiry the Lokayukta shall answer the three questions formulated by us and submit his report to the Vice-Chancellor of the appellant University.

Depending upon the findings recorded by the Lokayukta the appellant-University shall pass appropriate orders if necessary in modification of Notification dated 19.05.2000.

We make it clear that any one aggrieved of any action taken pursuant to the report of the Lokayukta shall be free to seek appropriate redress in appropriate proceedings before the appropriate court. We also make it clear that there is no challenge to the cancellation of the degrees by any one except the respondents herein and the intervenors and no other candidate shall either be necessary party to the proceedings before the Lokayukta or be entitled to question any findings on the basis of the report submitted by him.

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With the above observations, these appeals are allowed to the extent indicated above leaving the parties to bear their own costs.

The interim order of status-quo granted by this Court





Mr. Rohit Kumar, Adv.

Mr. D.K. Sinha, Adv.

Mr. P.D. Sharma, Adv.

Mr. Milind Kumar, Adv.

For Respondent(s)

Mr. Jammesh Kumar, Adv.

Mr. Atul Kumar, Adv.

Mr. Himanshu Shekhar, Adv.

Mr. Mukesh Verma, Adv.

Mr. Pawan Kumar Shukla, Adv.

Mr. Yash Pal Dhingra, Adv.

Mr. S.S. Shamsbery, AAG (Rajasthan)

Mr. Amit Sharma, Adv.

Mr. Ishu Prayas, Adv.

Ms. S. Spandana Reddy, Adv.

Ms. Ruchi Kholi, Adv.

Mr. J.N. Dubey, Sr. Adv.

Mr. Anurag Dubey, Adv.'

Mr. Rajesh Pandey, Adv.

Ms. Meenakshi Paricha, Adv.

Mr. S.R. Setia, Adv.

(Applicant in  
IA No.3/2015)

Mr. Gopal Singh, Adv.

Mr. Manish Kumar, Adv.

Mr. Shreyas Jain, Adv.

(State of Bihar)

Mr. Gaurav Agrawal, Adv.

Mr. Navin Prakash, Adv.

Mr. Yash Pal Dhingra, Adv.

Mr. Naresh Kumar, Adv.

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Mr. Shekhar Kumar, Adv.

Ms. Charu Mathur, Adv.

Mr. Prashant Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Delay in SLP (C) ...CC No.1885 of 2015 is condoned.

Leave granted.

The civil appeals are allowed in terms of the signed order.

(Ashok Raj Singh)

Court Master

(Signed Order is placed in the file)

(Veena Khera)

Court Master