

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10161 of 2014

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Shree Bajrangbali Sanskrit Mahavidyalaya Chenari District Rohtas through its Principal Ram Raj Tiwari Son of Late Vidyadhar Tiwari, resident of Village-Moura, P.S.- Chenari, District- Rohtas (Sasaram).

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Bihar, Patna.
2. Joint Secretary to Government (High Education) Department of Education, Government of Bihar, Patna.
3. The Deputy Director (High Education), Department of Education, Government of Bihar, Patna.
4. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Registrar.
5. Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga District- Darbhanga.
6. The Registrar, Kameshwar Singh Darbhanga Sanskrit University Kameshwar Nagar, Darbhanga District- Darbhanga.
7. The Controller of Examination, Kameshwar Singh Darbhanga Sanskrit University Kameshwar Nagar, Darbhanga District- Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Durga Nand Jha, Advocate
For the State : Mr. V.K. Singh, GA3
For the University : Mr. S.S. Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 15-10-2015

Whenever a decision is taken within public domain which has civil consequences, there is an obligation upon the authority to pass a speaking order which can be put under judicial scrutiny and the reason behind such decision can be looked into.

In the present case, the prayer of the petitioner for recognition by the State Government has been rejected in a very cursory and casual manner in a telegraphic language which they are

not in a position to even justify in the counter affidavit. Annexure-1 is the order dated 19.12.2013 which is under challenge. This order only indicates that the institution does not fulfill the requirements under Section 21(d) of the Bihar Universities Act. Counter affidavit filed on behalf of the State does not shade any light as to what part of Section 21(d) of the Bihar Universities Act has not been satisfied by the institution.

In view of the above, Annexure-1 dated 19.12.2013 is quashed. Writ is allowed. A direction is issued upon the State-respondents to pass a fresh order as to reason why the petitioner cannot be or can be given recognition. Such an order must be passed within a period of six months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J.)

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