

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19685 of 2013

Binod Prasad Son Of Sri Janak Mahto Resident Of Village + P.O. Maghra, P.S.
Deep Nagar, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar , Through Its Principal Secretary, Human Resource Development Department (Higher Education), Government Of Bihar, Patna
2. The Chancellor, Universities Of Bihar, Governor House, Patna
3. Magadh University, Through Its Registrar Magadh University, Bodh Gaya
4. The Vice-Chancellor, Magadh University, Bodh Gaya
5. The Governing Body Of K.S.T. College Through Its Secretary, Salempur, Sohsarai, Nalanda
6. The Principal, K.S.T. College, Salempur, Sohsarai, Nalanda

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. B. K. Jha, Sr. Advocate Mr. Ramchandra Singh
For the University	:	Mr. Girijesh Kumar
For the State	:	Mr. Rajiv Kumar
For the Private-respondent No. 6:	:	Mr. Y. V. Giri, Sr. Advocate Mr. Sanjeet Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-10-2015

12.10.2015

Heard learned senior counsel for the petitioner, counsel for the university and learned senior counsel for Private-respondent No. 6.

Petitioner claims himself to be a teacher in what is known as KST College, Salempur, Sohsarai, Nalanda. He challenges the rejection of representation of one Bipin Kumar and others, by which, His Excellency, the Chancellor, has held that the college, in question, has rightly been granted affiliation for degree

level teaching. Petitioner also wants quashing of memo, dated 19.03.2008, issued by the State Government, by which permanent approval for affiliation of the college in question for degree level was issued.

Submission of the learned senior counsel for the petitioner is that the college in question was established many many decades ago and there is an affiliation with the erstwhile Intermediate Council of the State of Bihar as an Intermediate College. Certain persons with vested interest using the same property and infrastructure got the college recognized as a degree college by manipulating things.

There many a busy bodies, who have been approaching High Court, claiming to have vested interest in the decision with regard to grant of such affiliation. Orders as well as directions have been issued from time to time by different Benches on such subjects. The Chancellor's decision is part and parcel of the previous direction, issued in a writ application, copy of which is Annexure-1 and Annexure-2.

The present petitioner claims himself to be a teacher of the Intermediate College. There is serious dispute whether he is a teacher or not, as would be evident from the counter affidavit filed on behalf of



Respondent No. 6 as well as the order passed in a previous writ application of the petitioner, which was C.W.J.C. No. 5297 of 2015.

The Court has also gone through the order of the Chancellor, the inspection reports, which form the basis for grant of recognition and affiliation for degree college.

Any interference with such decisions would amount to reaching the previous directions of the Court passed in Annexure-1 and 2. The Court also cannot be unmindful of the fact with regard to the status of the petitioner when he had approached the High Court in a previous writ application.

In totality, therefore, the Court comes to a considered opinion that it is a motivated writ application to create a bargaining position against institution as well as managing committee. It is personal agenda or grudge which the petitioner is venting against the institution on one pretext or the other. The Court is not inclined, therefore, to interfere with the decision, especially when recognition has been granted after due enquiry and order passed by His Excellency, the Chancellor and when teaching has been going on for many years now.

In view of the aforesaid facts and



circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J.)

