

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.704 of 2013

In

Civil Writ Jurisdiction Case No. 10451 of 2012

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1. Bhikku Pragaya Deep S/o Late Bindeshwari Prasad, R/o All India Bikku Sangh, Bodh Gaya and Secretary Governing Body Shakya Muni College, Bodh Gaya, Bihar.

2. Arbind Kumar Tiwary S/o Prof. Jagadanand Brahmachari R/o South Central Jail, Gaya and Trustee and Principal Sakya Muni College, Bodh Gaya, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Sri Amarjeet Sinha, the Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna

2. Sri S. Shiv Kumar, Secretary, Human Resource Development Department, Government of Bihar, New Secretariat, Patna

3. The Magadh University, through the Registrar, Sri D.K. Yadav, Bodh Gaya.

4. Dr. Arun Kumar, Vice - Chancellor, Magadh University, Bodh Gaya

5. Dr. D.K. Yadav, Registrar, Magadh University, Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mr. S.A. Alam, SC-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

20 22-09-2015

Heard learned counsel for the petitioners and learned counsel for the State.

This Court, vide order dated 19th July 2012 in CWJC No. 10451 of 2012, has passed the following order:-

“Upon hearing learned counsel for the parties, this writ petition is disposed of with the direction that the representation of the petitioners shall be considered by the respondents concerned in

the light of National Minority Commission for Educational Institution within a period of three months from the date of receipt/production of a certified copy of this order.”

Supplementary show cause has been filed by the State annexing the copy of a reasoned order where the State, vide Order no. 345 dated 18/2/2015, has found that the institution in question does not satisfy the requirement for granting the status of minority institution.

The counsel for the petitioners submits that this order has not passed in letter and spirit of the order passed in the writ application, so much so that it is de hors to the letter issued by the National Commission for Minority Educational Institution dated 2nd September 2008 whereby the Commission has treated the Institution as Minority Educational Institution and as such, the opposite parties are not justified in taking a contrary view to that of National Commission for Minority Educational Institution which has been constituted by the Central Government.

This Court cannot convert this proceeding in a writ proceeding and cannot adjudicate the merit and demerit of the order. The petitioner, if so advised, may challenge the order in an appropriate proceeding.

This Court does not feel inclined to proceed with the matter. Accordingly, this application is dismissed with the above observation.

(Shivaji Pandey, J)

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