

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5597 of 2015

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1. R.P. Sharma Institute Of Technology through its Registrar, Brajesh Kumar Choudhary, Son of Sri Arvind Prasad Chaudhary, Resident of village- Garhiya, P.O.- Garhiya, P.S.- Chautham, District- Khagaria.

.... Petitioner/s

Versus

1. Magadh University, Bodhgaya, Gaya through its Registrar.
2. The Vice Chancellor, Magadh University, Bodhgaya, Gaya.
3. The Registrar, Magadh University, Bodhgaya, Gaya.
4. The Inspector of Colleges (Art & Commerce), Magadh University, Bodhgaya, Gaya.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey

For the Respondent/s : Mr. Girijish Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 14-05-2015

Heard counsel for the petitioner and counsel for the University.

The Writ Application along with IA No.3925 of 2015 is taken up together looking at the nature of the relief as well as interim relief prayed for in the IA. If the said relief is not granted at this stage then the writ application itself will become infructuous. There is a calendar and the time frame by which the admission etc. is required to be completed.

Short facts are that the petitioner institution has been given approval by AICTE to take admission in various courses and the said approval has been extended from year to year, last of which is for the year 2015-16, as would be evident from Annexure- 15

annexed with the IA. However, for strange reason contrary to the resolution of the Affiliation Committee of Magadh University contained in Annexure- 3 where resolution was taken that such affiliation to the institution will be dependent upon the approval to be granted by AICTE, affiliation is not being granted to the institution.

The University is holding the institution at ransom now. They have issued a letter contained in Annexure- 1 for inspection and treating as if the institution has been set up for the first time and required to be inspected for grant of affiliation. Obviously, there is a disconnect between various bodies of the University itself, otherwise Annexure- 1 would not have been issued.

The stand of the petitioner is that the resolution of the Affiliation Committee was approved both by the Syndicate and the Senate of the University as well as the State Government. Therefore, they cannot go behind the said resolution.

In view of the same, the University is directed to issue a letter for affiliation from the year 2011-12 till 2015-16 in terms of the approval granted by the AICTE. Such an affiliation must be granted within two weeks from today.

Writ is allowed along with the Interlocutory Application.

(Ajay Kumar Tripathi, J)

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