

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 5543 of 2014

Md. Saifuddin S/O Late Md. Badruddin Working As Secretary Governing Body
Millat Talimi Society Situated At Chamra Godam Lane, Pakkisarai P.S. Town,
District – Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Department Of Human Resource Development, Bihar,
Patna
3. The Secretary, Higher Education Department Of Human Resource Development
, Bihar, Patna
4. The B.R.A. Bihar University, Muzaffarpur Through Its Registrar
5. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur
6. The Registrar, B.R.A. Bihar University, Muzaffarpur

.... Respondent/s

Appearance :

For the Petitioner/s :	Mr. V. Narayan, Sr. Advocate Mr. Manoj Kumar Manoj
For the Respondent No. 9:	Mr. Kalyan Shankar
For the University:	Mr. D. Mukherjee, Sr. Advocate Mr. Arup Kumar
For the State:	Mr. Amit Kumar Anand

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-02-2016

Petitioner claims himself to be the Secretary of the
Governing Body of what is known as Millat Talimi Society, which
runs an institution known as Islamia Degree College at Muzaffarpur.
He has decided to challenge the order of B. R. A. Bihar University,
Muzaffarpur when they nominated and constituted a governing body
of the institution in terms of Annexure-6, dated 09.07.2013. The said

notification indicates names of many a colleges. We are concerned with the present institution, whose name figures at Sr. No. 13.

Submission of the Learned Sr. Counsel for the petitioner is that the institution in question has been declared to be a minority institution under Section 2(g) by National Commission for Minority Educational Institution Act, 2004. A certificate in this regard has been annexed as Annexure – 5, which indicates that such status has been conferred on the institution w.e.f. 20th day of September, 2011.

The corollary to the above notification is that the institution is now exempted under a statutory provision, as envisaged in Section 60 of Bihar State Universities Act, 1976 and university cannot constitute a managing committee.

No doubt, power has been vested in the university concerned to have a governing body for each affiliated colleges for the management of such institutions. However, the statute itself talks in terms of exemption for institutions owned and maintained by the State Government and a college, established and administered by a minority community.

The legal position cannot be wished away. There is no kind of objection to Annexure–5, the certificate issued by the National Commission for Minority Educational Institution.

In view of the same, the impugned order, contained in Annexure-6 and Annexure – 8, dated 09.07.2013 and 02.07.2014, respectively, in so far as it relates to the present institution, stands

quashed. Court expresses no opinion about the authenticity of the status of the petitioner as a Secretary which any way is not the issue.

Writ application is allowed.

(Ajay Kumar Tripathi, J)

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