

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.671 of 2016

1. Ram Naresh Panday Son of Late Shiv Pujan Panday, The Secretary Managing Committee of Shree Banbhat Sanskrit College, Mahrauli, Sakari Khurd, P.S.- Palasi, District Arwal.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Joint Secretary to the Government of Education Department, Government of Bihar, New Secretariat, Patna.
4. The Deputy Secretary to the Government of Education Department, Government of Bihar, New Secretariat, Patna.
5. The Director, Higher Education Department, Government of Bihar, New Secretariat, Patna.
6. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar.
7. The Vice Chancellor, Kameshwar Singh, Darbhanga Sanskrit University, Darbhanga.
8. The Registrar/in-Charge Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
9. The Examination Controller, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

.... Respondents

Appearance :

For the Appellant/s : Mr. Binod Kumar

For the Respondent/s : Mrs. Namrata Mishra, GA 6

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-11-2016

The present Letters Patent Appeal is directed against
the order dated 10.3.2016 passed by the learned Single Bench of this

Court in C.W.J.C.No. 15391 of 2015 wherein the claim of the appellant was found to be governed by the University Statute dated 19th April, 1986 and not under the instruction issued on 18th October 1976.

The appellant's institution claims to be established in the year 1976 as Sanskrit College in the rural area. There was a circular issued by the State Government on 18th October, 1976 contemplating the affiliation to the Sanskrit College for imparting education in Sanskrit and the conditions thereof. However, the appellant did not apply for affiliation under the said provision but applied for affiliation in the year 2013 after the Statutes in respect of affiliation was notified on 19th April, 1986. The argument of the appellant is that since the appellant's College is established in the year 1976, therefore, the College is to be granted affiliation in terms of the circular dated 18th October, 1976 and not in terms of the statutes notified on 19th April, 1986.

The fact is that the appellant's College has not been granted affiliation in terms of the circular dated 18th October, 1976. The appellant applied for affiliation only after the statutes were notified on 19th April, 1986. Therefore, the appellant has to satisfy the eligibility criteria as specified in the statute notified on 19th April, 1986.

In view of the above, we do not find any error in the order passed by the learned Single Bench which may warrant

interference in the intra court appeal. The Letters Patent Appeal is,
thus, dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

A.I./-

AFR/NAFR	N.A.F.R.
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