

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.900 of 2015

- =====
1. Jay Kishore Pandey Son of Late Sita Ram Pandey resident of Village- Madhopur, P.O.- Pokhra, P.S.- Maharajganj, District- Siwan, at present Professor-in-charge of Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.
 2. Dr. Kaushal Kishore Pandey, Son of Late Govind Pandey resident of Mohalla- Mini L.I.C. Colony, Chitragupta Nagar, P.O.-Lohia Nagar, P. S.- Patrakar Nagar, Patna-20, District- Patna, at present working as Assistant Professor in the Department of Vyakaran, Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.
 3. Dr. Ashok Kumar Jha, Son of Sri Raghubir Jha resident of Village- Mathura, P.O. + P.S.- Bidupur, District- Vaishali, at present working as Assistant Professor in the Department of Vyakaran in Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.
 4. Dr. Sudhakar Shukla, Son of Late Punyadev Shukla resident of Village + P.O.- Selhar, Via- Govindganj, District- East Champaran, at present working as Assistant Professor in the Department of Jyotish in Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.
 5. Dr. Sidhesh Kumar Singh, son of Late Chandraket Narayan Singh resident of Village + P.O.- Aami, P.S.- Avtarnagar, District- Chapra, at present working as Assistant Professor in M.A. Sanskrit in Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.
 6. Akhilesh Kumar Ojha, Son of Sri Suryadeo Ojha resident of Mohalla- Hela Bazar, P.O. & P.S. - Hajipur Town, District- Vaishali, at present working as Assistant Professor in the Department of Vyakaran in Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.
 7. Ravindra Nath Shukla, Son of Late Vishwanath Shukla resident of S.D.O. Road, Hajipur, P.O. + P.S. - Hajipur, District- Vaishali, at present working as Assistant Professor in the Department of Sahitya in Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.
 8. Shiv Kumar Mishra, Son of Late Sitaram Mishra resident of Mohalla- Hela Bazar, P.O.- Hajipur, P.S.- Hajipur, District- Vaishali, at present working as Assistant Clerk (Sahayak Lipik) in Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.
 9. Ram Kumar Jha, Son of Late Basudeo Jha resident of Mohalla- Bank Men Colony, P.O. + P.S.-Hajipur, District- Vaishali, at present working as Peon in Brahmdev Muni Udasin Sanskrit Mahavidyalay, Subhash Chowk, Hajipur, Vaishali.

.... Petitioners

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, Education Department, Government of Bihar, New Secretariat, Patna.
4. The Deputy Secretary to the Government, 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.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate
For the State : Mr. J.S. Barnwal, GA5
For K.S.D.S.U. : Mr. Awadhesh Prasad Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 04-01-2016

After having heard counsel for the petitioners and the State, the only reason why the writ application is being allowed and Annexure-1 dated 20.12.2013 passed by the Joint Secretary, Department of Education, Government of Bihar is that it is a cryptic/non-speaking order.

Counsel for the State submits that detail reasons have been given in the counter affidavit but keeping in mind the celebrated position of law already settled by the Hon'ble Apex Court in the famous case of *Mohinder Singh Gill & Anr. vs. the Chief Election Commissioner & Ors.*, reported in *AIR 1978 SC 851* of India, the decision must stand or fall on its own merits and the same cannot be supplemented subsequently by way of affidavit.

Annexure-1 is quashed. Writ application is allowed.

Let the authorities pass a fresh order giving specific reasons

as to how the college in question does not fulfill the requirements for grant of affiliation. The decision must be taken within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J.)

veena/-

U			
---	--	--	--