

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13948 of 2016

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Governing Body Of Syed Nehal Ahsan Evening College, Barh through its Secretary
Syed Shah Ali Sajjad Alam Son of Late Syed Shah Sharfe Alam resident of
Mohalla-Khalifabagh, P.S.- Kotwali, Town & District- Bhagalpur

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Department, of Education,
Government of Bihar, Patna
2. The Joint Secretary, Human Resources Development Department, Government
of Bihar, Patna
3. The Director, Higher Education, Department of Education, Government of
Bihar, Patna
4. The Regional Deputy Director of Education, Patna Commissionarate, Patna
5. The District Education Officer, Patna
6. Magadh University, Both Gaya Through its Vice Chancellor
7. The Registrar, Magadh University, Bodh Gaya

.... Respondents

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Appearance :

For the Petitioner	:	Mr. P.K. Shahi, Senior Advocate
		Mr. Syed Hussain Majeed, Advocate
For the State	:	Mr. Madanjeet Singh, GP20
For the University	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-12-2016

'Silence is Golden' is the expression, which one has heard in English but silence before a Court of law on a question of law put before a State counsel can also be detrimental if not fatal for the interest of the State.

2. The writ application has been filed after due service upon the State. The prayer made in the writ application is to direct the respondent-State authorities to give the minority status to the petitioner's evening college known as Syed Nehal Ahsan Evening College, Barh. The reason for demanding such a declaration is based



on a certification issued by the National Commission for Minority Education Institutions, which is a body created under a 2004 Act of Parliament.

3. The petitioner has annexed Annexure-6, which is the certificate issued under the hand of the Secretary of the Commission giving such a status to the college on 20th Day of March 2014.

4. Once such a status is given under Section 2(g) of the Act, it is only a formality, which is required to be completed by the State authorities. They do not have much of a leeway and they cannot even sit in appeal over such a declaration unless they seek its annulment by moving a competent court of jurisdiction.

5. The writ application is allowed with a direction upon the Principal Secretary, Department of Education, Government of Bihar that within four weeks of production of a copy of this order, he shall pass appropriate direction and order declaring the institution to be a minority institution in terms of the certification issued in Annexure-6.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2016
Transmission Date	NA

