

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18989 of 2016

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Governing Body of Syed Nehal Ahsan Evening College, Barh through its Secretary
Syed Shah Ali Sajjad Alam @ Shah Ali Sajjad 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 the Principal Secretary, Department of Home,
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. Magadh University, Bodh Gaya through its Vice Chancellor
5. The Registrar, Magadh University, Bodh Gaya
6. The Principal, Syed Nehal Ahsan Evening College, Barh
7. The Member of Parliament, Barh, Patna
8. The Sub Divisional Officer, Barh, Patna
9. Prof. Israeel Khan, University Representative, Magadh University, Bodh Gaya

.... Respondents

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Appearance :

For the Petitioner	:	Mr. P.K. Shahi, Senior Advocate Mr. Syed Hussain Mazeed, Advocate Mr. Ranjay Kumar Singh, Advocate Mr. Ravish Chandra, Advocate
For the State	:	A.C. to AAG15
For the University	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 15-12-2016

Heard learned senior counsel for the petitioner, counsel
for the State as well as the University.

2. Keeping in mind the decision, which has been
rendered in the case of *Milli Trust vs. The State of Bihar & Ors.*,
reported in 2016 (4) PLJR 853, decided by a Division Bench on
27.10.2016, which has declared Section 60(1) of the Bihar
Universities Act as well as proviso to Para 1 of the Statute No.32



framed under the Bihar Universities Act, 1976 having been declared to be ultra vires, the notification contained in Annexure-9, dated 16.09.2016 now is required to be quashed.

3. Writ is allowed. The respondents will now take a decision, if they still can, keeping in view the development which has taken place in law.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.12.2016
Transmission Date	NA

