

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1444 of 2017

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1. R. A. Degree College, Shambhuganj, At, P.O. & P.S. Shambhuganj, District- Banka through its Principal Dr. Shreekant Prasad.
 2. Secretary, Managing Committee, R.A. Degree College, Shambhuganj, At, P.O. & P.S. Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Joint Secretary, Department of Education, Government of Bihar, Patna.
3. Director, Higher Education, Department of Education, Government of Bihar, Patna.
4. Tilka Manjhi Bhagalpur University, Bhagalpur- through its Registrar.
5. Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan Prasad
For the Respondent/s	:	Mr. Prabhu Narayan Sharma, AC to AG
For the University	:	Mkr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-12-2017 Heard learned counsel for the parties.

2. This writ application has been filed on 28.01.2017, seeking following reliefs:-

“(i) To issue a writ of mandamus commanding the respondents to consider affiliation to the petitioner no.1 College for the period 2011-14 and onwards in the facts and circumstances of the case;

(ii) To issue a mandamus directing the respondents to consider permanent affiliation to petitioner no.1 College;

(iii) To direct the respondent University to release/disburse the amount of grants received from the State Government for the affiliated period, i.e., the year 2008-2011, to the petitioner no.1 College;

(iv) To issue a writ of certiorari to quash and cancel the communication as contained in



letter No. 14/A.F.- 23/2013-287 dated 20.2.2014 issued under signature of the Joint Secretary, Department of Education, Government of Bihar whereby and whereunder the Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur, was communicated regarding rejection of the proposal of the University for grant of affiliation to petitioner no.1 College in want of documents required, a copy of which has been communicated to the petitioner no.1 College vide memo no. B/4847-50 dated 1.4.2014:”

3. It is the case of the petitioner that the College was granted affiliation for the period 2008-11. It is also the case of the petitioner that for the subsequent Session 2011-14, the Syndicate had approved grant of affiliation. From the letter, dated 20.02.2014, which has been brought on record by way of Annexure-5 to the writ application, I notice that the State Government had refused to approve grant of affiliation to the College under Section 21 (2) (d) of the Bihar State Universities Act, 1956 (hereinafter referred to as the Act). Despite the said decision of the State Government which was communicated to the petitioner in April, 2014 itself, the petitioner did not take any step to question its correctness. In that background, in the present writ application, which has been filed in the year 2017, the petitioner's plea for grant of affiliation for the Session 2011-14 cannot be entertained. The Session has already elapsed.

4. Learned counsel for the petitioner has submitted that the College has allowed admission of students for the said Session



also. If any admission has been given by the College, in my view, the same is illegal inasmuch as since the College did not have the affiliated status, it could not have allowed admission for the said Session.

5. The relief for direction to the respondents to consider affiliation for the Session 2011-14 and to quash the letter, dated 20.02.2014, cannot be entertained now, after lapse of six years since when the petitioner had lost its status of an affiliated College.

6. The petitioner shall, however, be at liberty to apply afresh before the University for grant of affiliation.

7. The other relief, which the petitioner has sought is direction to release/disburse the amount of grants received by the University from the State Government for the affiliated period, viz, the year 2008-2011 to the College.

8. The Vice-Chancellor of the University shall consider this aspect of the matter and if any amount is found to have been received by the University for payment of salary to the teachers/non-teaching employees of the College for the academic Session 2008-11, the Vice-Chancellor of the University shall proceed for release of the fund for payment to the Teachers and non-teaching employees of the College in



question, if they are found entitled to in accordance with law.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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