

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12003 of 2017

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1. Laldhari Memorial Evening College, Gaya through the Principal namely Laldeo Yadav, Son of Sri Laldhari Yadav, Resident of Shahid Bhagat Singh Colony, P.S. - Rampur, District - Gaya.
 2. Laldeo Yadav, Son of Laldhari Yadav, Resident of Shahid Bhagat Singh Colony, P.S. - Rampur, District - Gaya.
- Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Special Secretary, Education Department, Government of Bihar, Patna.
4. The Joint Secretary, Education Department, Government of Bihar, Patna.
5. The Deputy Secretary, Education Department, Government of Bihar, Patna.
6. The Director, Higher Education, Government of Bihar, Patna.
7. The Magadh University through its Registrar, Bodh Gaya, Gaya.
8. The Vice-Chancellor, Magadh University, Bodh Gaya, Bihar.
9. The Registrar, Magadh University, Bodh Gaya, Bihar.
10. The Examination Controller, Magadh University, Bodh Gaya, Bihar.
11. The Inspector of the Colleges (Science), Magadh University, Bodh Gaya, Gaya.
12. The Inspector of the Colleges (Arts and Commerce), Magadh University, Bodh Gaya, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Adv.
For the State	:	Mr. Amit Bhushan, AC to GP17
For the University	:	Mr. Shivendra Kishore, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 15-09-2017

This application, under Article 226 of the Constitution of India, has been filed by Laldhari Memorial Evening College, Gaya, through its Principal, seeking quashing of an order, dated 23.02.2017, issued by the Education Department, Govt. of Bihar, whereby, the State Government of Bihar had refused to grant



approval of affiliation to the said college, under Section 21 (2) (d) of the Bihar State Universities Act, 1976 (*in short 'Act'*).

2. It transpires that the Magadh University, Bodh Gaya, Gaya (*in short 'University'*) had taken a decision to grant affiliation to the said college for the Academic Sessions 2015-16 to 2017-18. Under the provisions of the Act, an affiliation can take effect only with the approval of the State Government. Such approval has been refused by the impugned letter, dated 23.02.2017.

3. Learned counsel, appearing on behalf of the petitioner-college, has submitted, assailing the impugned order, that the order is cryptic and non-speaking inasmuch as it does not deal with the standards prescribed under the Act or any other statutory provisions, which the college does not meet.

4. The impugned order, dated 23.02.2017, to the extent it has refused to grant approval for affiliation, granted by the University, is set-aside.

5. The State-respondents, particularly respondent No. 2, the Principal Secretary, Education Department, Govt. of Bihar, Patna, is directed to pass an appropriate order afresh on the proposal for grant of affiliation within a period of two months from the date of receipt/production of a copy of this order.



6. There is another aspect, which has been mentioned in the letter, dated 23.02.2017, whereby, the Department has sought explanation from the University, dealing with the circumstance in which the University granted affiliation for the Academic Sessions 2015-16 to 2017-18. I do not intend to interfere with the said part of the order.

7. This application is, accordingly, allowed. The impugned order, dated 23.02.2017, to the extent, as indicate above, stands set-aside with the direction and observation as above.

8. If the decision of the State Government goes in favour of the petitioner-college, the consequences shall follow and admitted students of the college may be allowed to appear at the examination, if permissible under the law.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.09.2017
Transmission Date	N/A

