

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13855 of 2017

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1. Dr. Jagarnath Mishra, Degree Mahavidyalaya, Mau, Tekari, Gaya through its Principal Dr. Braj Raj Mishra, Son of Late Keshav Mishra.
 2. Dr. Braj Raj Mishra, son of Late Keshav Mishra, R/o New Godown, Gaya, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar
For the Respondent/s	:	SMT. SHILPA SINGH-GA12
		Mr. Ranjan Kumar, AC to GA-12
For the University	:	Mr. Shivendra Kishore, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

4 09-11-2017 Heard learned counsel for the parties.

2. Aggrieved by the letter, dated 30.03.2017, issued by the Education Department, Government of Bihar to the Vice-Chancellor, Magadh University, Bodh Gaya, whereby the State Government has communicated refusal of extension of affiliation to the petitioner-College under Section 21 (2) (d) of the Bihar State Universities Act, 1976 (in short ‘Act’).

3. On perusal of the impugned order, I find that it is



simply mentioned that the College does not fulfill the required standard under the provisions of the Act and the guidelines issued by the Chancellor as contained in Letter No. 1998, dated 19.04.1986. The letter does not refer to any particular deficiency or other factor to justify the decision of not granting extension of affiliation.

4. A counter affidavit has been filed on behalf of the State of Bihar, giving the specific reasons for not extending the affiliation to the College. There is no doubt that the impugned letter does not contain any reason. Denial of extension of affiliation to the College in the facts and circumstances of the case, amounts to adversely affecting the rights of the College to enjoy affiliated status. The same could not have been done by only in accordance with the principles of natural justice. The letter being non-speaking inasmuch as it does not contain the reason behind coming to a conclusion that the College does not fulfill the required standard, it deserves to be set aside. There is no dispute over the settled principle that application of mind must be reflected in the order itself and an order can be justified on the basis of what is there in the order. The contents cannot be supplemented by an affidavit.

4. The impugned letter, dated 30.03.2017, is accordingly



set aside.

5. The Principal Secretary, Education Department, Government of Bihar, is directed to take a decision afresh on the question of grant of extension of affiliation in exercise of power under Section 21(2) (d) of the Act.

6. Learned counsel for the petitioner has attempted to submit that the College fulfills all the requirements of standard as statutorily laid down. He will be at liberty to file the details before the Principal Secretary, Education Department, Government of Bihar to satisfy that the College fulfills required standard and deserves extension of affiliation under Section 21(2) (d) of the Act.

7. Once such facts are presented by the petitioner by way of representation along with a copy of this order before the Principal Secretary, Education Department, Government of Bihar, a decision shall be taken thereafter by the competent authority under Section 21(2) (d) of the Act within three months from the date of receipt of representation by the petitioner.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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