

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20142 of 2016

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Nav Vihar Educational and Rural Development Society, Gaya,
through its Secretary, Rajesh Ranjan Sahay, son of Sri Grish Lal,
Resident of Mohalla- Bahuwar Chaura, P.S.- Vishnu Pad, District-
Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Joint Secretary of the Education Department, Government of Bihar, Patna.
3. The Magadh University, Bodh Gaya, Gaya, through its Registrar.
4. The Vice-Chancellor of Magadh University, Bodh Gaya, Gaya.
5. The Registrar of Magadh University, Bodh Gaya, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s :Mr. S.S. Mishra, Adv.

Mr. Rajesh Kumar Mishra, Adv.

For the State :Mr. Prabhat Ranjan Singh, AC to AAG15

For the University :Mr. Dr. Kr. Ajeetesh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 07-07-2017

The petitioner claims to be Society, registered
under the Societies Registration Act, which has established



educational institution in the name of "Magadh Evening College, Gaya" (*hereinafter referred to as the "College"*). The petitioner is aggrieved by letter, dated 21.03.2014, issued by the Education Department, Govt. of Bihar, whereby, the Department has refused to approve affiliation granted to the College by the Magadh University (*hereinafter referred to as the "University"*), to conduct under-graduate courses.

2. It is evident from the materials on record that the University had granted affiliation to the said College for the academic session 2012-13. It is noteworthy that under Section 21 (2) (d) of the Bihar State Universities Act, 1976 (*hereinafter referred to as the "Act"*), an affiliation granted to privately managed educational institution cannot take effect, unless it is approved by the State Government. The University had recommended for the desired approval of the affiliation granted to the said College for the academic session 2012-13, which has been rejected by the impugned communication, on the ground that the College did not fulfil the required standard as prescribed under the provisions of the Act and Statues.

3. The order refusing to approve affiliation granted to the College, in question, was made on 21.03.2014. Affiliation was granted for the academic session 2012-13. Nothing has been brought on record to establish that the said



affiliation was extended for any period by the University thereafter. In my view, this writ application, filed nearly two and nine months after passing of the impugned communication, cannot be entertained in view of the fact that the dispute relates to academic session 2012-13 and there is no explanation for such delay.

4. It goes without saying that if the University grants affiliation to the College, in question, for subsequent academic sessions, the State may consider granting approval, under Section 21 (2) (d) of the Act, in accordance with the law.

5. This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12/07/17
Transmission Date	N/A

