

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1490 of 2016

In

Civil Writ Jurisdiction Case No.636 of 2016

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1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
 2. The Director, Research and Training, Education Department, Government of Bihar, Patna.
 3. The Director, Higher Education, Education Department, Govt. of Bihar, New Secretariat, Patna.
 4. The Director Administration -cum-Joint Secretary, Education Department, Government of Bihar, New Secretariat, Patna.

... .. Respondent- Appellant/s

Versus

1. Sai Dev Charitable Trust, Plot no. 4th Mile Stone, Street /Road - Mairwa Darauli Raod, Village- Shyamvedi, PO - Karom, Via- Mairwa, P.s Darauli, district Siwan, through its Managing Trustee, Arun kumar Mishra Son of Dhruvdeo Mishra, Resident of Village- Rahatwan, P.s Belawan, District siwan (Bihar)

... .. Petitioner/Respondent.

2. Jai Prakash University, Chapra through the Vice Chancellor.
3. The Vice Chancellor, Jai Prakash University Chapra.
4. The Registrar, Jai Prakash University, Chapra.
5. N.C.T.E. Hans Bhawan, Bahadur Shah Zafar Marg, New Delhi through its Chairman.
6. The Chairman, N.C.T.E. Hans Bhawan, Bahadur Shah Zafar Marg, New Delhi.
7. The Regional Director, Eastern Regional Committee, N.C.T.E, Bhubhaneshwar, Orissa.

... .. Respondents-Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Nadim Seraj, G.P. 5
Mr. Shailesh Kumar, AC to GP 5

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2017

Re.: Interlocutory Application No.5741 of 2016

Delay of 29 days in filing of the Letters Patent Appeal
condoned.



Interlocutory Application stands allowed and disposed of.

Re.: Letters Patent Appeal No.1490 of 2016

Having heard learned counsel for the parties and keeping in view the law laid down by Hon'ble Supreme Court in the case of **Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh and others, (2013) 2 SCC 617**, we see no reason to make any indulgence into the matter. However, we clarify that interpretation given to Section 4(19) of the Bihar State Universities Act, 1976 as is indicted in the order passed in Civil Writ Jurisdiction Case No.636 of 2016, for the present shall be construed to apply only to the said case and with regard to all other cases, the law laid down by Hon'ble Supreme Court in the case of **Maa Vaishno Devi Mahila Mahavidyalaya (supra)** shall have application.

With the aforesaid clarification, the appeal of the State Government shall stand disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2017
Transmission Date	

