

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17936 of 2017

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Abhishek Kumar, son of Sri Shatrughan Pathak, the Principal, Adarsh Champaran Degree Mahavidyalay, Kotwa, East Champaran, resident of Chhota Bariyarpur, near Hawaii Adda Dakshin, P.S.- Motihari, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department.
2. The B.R.A. Bihar University Muzaffarpur through its Registrar.
3. The Vice- Chancellor, B.R.A Bihar University, Muzaffarpur.
4. The Examination Controller, B.R.A. Bihar University, Muzaffarpur.
5. The Inspector of College, Science, B.R.A. Bihar University, Muzaffarpur.
6. The University Grants Commission, through its Chairman, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Nivedita Nirvikar, Adv. Mr. Ujjwal Kumar Sinha, Adv. Mr. Manishdhari Singh, Adv.
For the Respondent/s	:	Mr. S.C.MISHRA -SC16 Mr. Pramod Kumar, AC to SC-16
For the University	:	Mr. Mritunjay Kumar, Adv.
For U.G.C.	:	Mr. Amrendra Nath Verma, SC to UGC

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 07-12-2017

Heard the parties.

This writ application has been filed by Principal of Adarsh Champaran Degree Mahavidyalay, Kotwa, East Champaran seeking direction to the respondent Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur to grant affiliation to the said College for the Bachelor degree course in Arts, Science and Commerce for the session 2016-19 onwards, since according to the petitioner, the College fulfills all the criteria for affiliation prescribed under the



Bihar State Universities Act, statutes and regulations framed thereunder. In the same breath a direction is being sought to the University to accept registration and examination forms of the students and to allow them to appear in the examination of first year of Bachelor degree course in their respective subjects for sessions 2016-19 scheduled to commence from 20.12.2017. It is evident from the relief sought that the College is not affiliated. In such circumstance, this court cannot direct the University to accept registration and examination forms of the students of the College to allow them to appear for the examination.

Ms. Nivedita Nirvikar learned counsel appearing on behalf of the petitioner has submitted that the College has given admission to students for various courses in anticipation of grant of affiliation by the University. She has also submitted that in similar circumstance, the University has allowed students of other unaffiliated Colleges to appear in the examination through different affiliated Colleges. She contends that the University should be directed to give the same treatment to the students of the present college.

In my view, there being clear provision under the Bihar Universities Act, the students of unaffiliated Colleges cannot be allowed to appear in the examination to be held by the University. The practice which the University is said to have adopted of allowing



students of unaffiliated Colleges, to appear for examination through affiliated Colleges cannot be countenanced, there being no provision of such arrangement under the Bihar State Universities Act or the statutes framed thereunder.

Learned counsel for the petitioner has drawn my attention to an order of this court dated 24.08.2012 passed in C.W.J.C. No. 10023/2012 (**Mahavir Upadhyay Memorial Degree College, Dhaka, East Champaran vs. State of Bihar & Ors.**) and submitted that the University cannot withhold decision on the petitioner's claim for grant of permanent affiliation and till issues with respect to permanent affiliation are decided, University should be directed to accept registration fee and forms.

From the said order, I notice that the same was passed in the background of certain interim order. The said order does not lay down a law that the students of unaffiliated Colleges can be allowed to appear for examination during the pendency of the application for grant of affiliation.

Learned counsel for the petitioner has submitted that the University has not communicated to the petitioner its decision on the question of grant of affiliation. She has drawn my attention to Annexure-8 of the writ application to submit that the Affiliation Committee of the University had considered the case of the College



concerned for grant of affiliation on 01.07.2017. The Affiliation Committee had found certain deficiencies which could have been met immediately thereafter, but the petitioner was not made known of the said decision of the Affiliation Committee. It is her plea that only through other sources, the petitioner could obtain a copy of the proceedings of the said Affiliation Committee dated 01.07.2017. She accordingly submits that it is because of the laches on the part of the University that the Affiliation could not be granted to the University.

Be that as it may, on the question of grant of affiliation, I direct the University to expedite consideration on the same if the petitioner is in a position to satisfy the University that the defects, as pointed out in the said meeting of the Affiliation Committee have been removed. The University will be required to take a final decision in this regard within a period of three months from the date when the petitioner informs the University about removal of all the defects.

Accordingly, the application stands dismissed.

(Chakradhari Sharan Singh, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2017
Transmission Date	NA

