

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10986 of 2017

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Motihari Degree Evening College, Motihari (East Champaran) through its Secretary Harishchandra Singh, Son of Late Yamuna Singh, Resident of Village-Sarean, P.s.-Govindganj, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
3. Baba Rao Ambedkar Bihar University, Muzaffarpur through its Vice Chancellor.
4. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
5. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
6. The Examination Controller, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
		Mr. Bipin Kumar
For the Respondent State:		Mr. Amit Bhushan, AC to GP-17
For BRABU	:	Mr. Vikas Ratan Bharti

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 19-07-2018

The petitioner is seeking a direction for commanding the respondents to grant permanent affiliation for the session 2015-18 for conducting degree courses. At the same time, the petitioner is seeking direction to the University to accept registration fee and form, examination fee and form of the students of the petitioner institution for the session 2016-2019. This is an admitted fact that the college in question does not have the status of an affiliated college within the meaning of Section 2(c) read with Section 21(2) (d) of the Bihar State Universities Act, 1976. In view of the law discussed, in relation to grant of affiliation discussed in case of **Dr. Jagarnath**



Mishra Degree, Mahavidyalaya and others Vs. The Vice-Chancellor, Magadh University, Bodh Gaya (CWJC No. 518 of 2018), in the judgment and order dated 20.06.2018, the relief as claimed in the writ application can not be granted since college, which is not affiliated to the University, could not have undertaken the process of admission. Since the college is not affiliated, the Court cannot issue a direction to the University to allow the students to fill up the examination form etc.

This application has no merit and accordingly stands disposed of.

It goes without saying that the respondents shall be obliged to consider the petitioner’s case for grant of affiliation in the light of this Court’s decision in case of *Dr. Ram Pramod Thakur and another Vs. The State of Bihar and others* dated 26.04.2018 passed in CWJC No. 4660 of 2017.

(Chakradhari Sharan Singh, J)

Pawan-Ragini

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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