

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1257 of 2016

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Sumant Kumar Gupta, Son of Late Satyarth Prakash Gupta, Residing at
Mohalla- Station Road Nawada, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The Governor of Bihar Through Its Secretary, Governor House, Patna.
2. The District Magistrate, Nawada.
3. The Registrar, Magadh University, Bogh Gaya.
4. The District Education Officer, Nawada.
5. The Principal, Kanhai Lal Sao College, Nawada.
6. The Secretary, Governing Body of Kanhai Lal Sao College, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha
For the Respondent/s : Mrs. Geeta Kumari- GP 28

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 25-10-2018

Heard Mr. Sanjeev Kumar Jha, learned counsel for the petitioner, Mr. Ritesh Kumar, learned counsel for the Magadh University and Ms. Shilpi Keshri, learned AC to GP 28 for the respondent-State.

The present writ application has been filed for a direction to the Respondent Magadh University to add the name of the petitioner's grand-father, late Bhattu Sao in the nomenclature



of Kanhai Lal Sao College, Nawada (a constituent unit) and further prayer has been made for the direction to the said University to add the name of the petitioner's grand father on Parja Tantra Dwar (Arch gate) of Nawada and to declare him as a life time donor like Kanhai Lal Sao. The relief prayed for as stipulated in paragraph no.1 of the writ application reads as follows:-

“1. That the present writ application is being filed on behalf of the above named petitioner for issuance of writ in the nature of “Mandamus” or any other writ/writs, order/orders, direction/directions commanding the respondents authorities for following relief/reliefs as:-

i) To add the name of petitioner's grand father Late Bhattu Sao in the nomenclature of Kanhai Lal Sao College, Nawada, and also declare him as a life time donor like Kanhai Lal Sao.

ii) For issuance of direction to the responsible respondents to add the name of petitioner's grand father namely Late Bhattu Sao in the nomenclature of “Parja Tantra Dwar” (Arch gate) of Nawada and declare him as a life time donor like Kanhai Lal Sao.”

It is submitted by learned counsel for the petitioner that Kanhai Lal Sao College, Nawada was established in the year 1955 after donation of joint family property along with Rs. 50,000/- by the brother of grand-father of the petitioner, namely Kanhai Lal Sao. One Pyare Lal Sao had two sons, namely, Bhattu Sao, the grand-father of the petitioner and Kanhai Lal Sao, but the nomenclature of the college in question was made as Kanhai Lal



Sao College. The Parja Tantra Dwar (Arch gate) of Nawada has also been constructed in the year 1951 on joint assets of grand-father of the petitioner. The property in question has been declared a joint family property by virtue of a judgment passed in Partition Suit No. 37 of 1956 and First Appeal No. 632 of 1956. The petitioner, after partition suit being finalized, made representation for the first time, in the year 2015, but till date no decision has been taken.

Learned counsel for the Magadh University submits that the College in question was established in the year 1955 and it became a constituent unit in the year 1971 and the provision for making nomenclature in the name of donor is only with regard to affiliated college and not with regard to constituent college. Moreover, the petitioner has not claimed that he donated the land in question and has claimed to add the name of his grand-father for the first time in the 2015 when the College in question was established in the year 1955.

Having heard learned counsels for the parties, since there is no provision for adding or renaming the constituent unit (college/university), and moreover, the petitioner has not brought on record that at the time when the land was gifted for establishment of the college, it was recorded in the name of the



grand-father of the petitioner or he has actually donated the land and considering the belated claim of the petitioner, coupled with the fact that the petitioner has not controverted the stand taken by the University, to the effect that there is no provision to name a constituent college in the name of donor, this Court is not inclined to interfere.

Accordingly, the present writ application is dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

