

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11236 of 2018

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Vijay Shankar Rai Son of Bhola Rai, Manjhi Tola, Naya Bazar, Sherghati,
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Higher Education, Patna.
3. Magadh University Bodh Gaya through its Registrar.
4. The Vice- Chancellor, Magadh University, Bodh Gaya
5. The Registrar, Magadh University, Bodh Gaya.
6. The Examination Controller, Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. S.C.Mishra -Sc16

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 26-07-2018

The petitioner is the Secretary of Prof. Vijay Shankar Rai Mahila Mahavidalaya, Sherghati, Gaya. It is his claim that the college was earlier granted affiliation by Magadh University, which was duly approved by the State Government. This is not being disputed that the approval of the State Government was for the academic sessions 2009-10 to 2013-14 in respect of Arts and Commerce, pass and honours courses and 2009-10 to 2011-12 in respect of B.Sc. pass and honours course.

This writ application has been filed seeking direction to the respondent to accept examination forms and fees of the



students of the college for B.Sc., B.Com. Part-3 examination 2017-18.

This is not in dispute that approval granted by the State Government for the academic session, as noted above, has not been extended thereafter. The case of the petitioner, however, is that the University has recommended to the State Government for grant of approval of affiliation which is pending since long.

This Court cannot direct the respondent to accept fees and forms of the students of the college since, admittedly, it does not have affiliation with the Magadh University within the meaning of various provisions under the Bihar State Universities Act in the light of law as discussed by this Court in case of *National Institute of Health Education and Research Vs. State of Bihar & Ors.* (C.W.J.C. No. 16553 of 2017 disposed of on 16.05.2018) and in the case of *Dr. Ram Pramod Thakur and another Vs. State of Bihar & Ors.* (C.W.J.C. No. 4660 of 2017 and analogous cases disposed of on 26.04.2018).

The Court, however, expresses anxiety over the petitioner's claim of long pendency of the matter before the State Government on the point of grant of approval of affiliation, which according to him has been recommended by the University long back. I, therefore, direct the Principal Secretary, Higher Education



Department, Government of Bihar, Patna, to ensure that a decision is taken on grant of approval of affiliation in respect of the petitioner’s college, if no decision has already been taken and it is pending, within a period of one month from the date of receipt/production of a copy of this order.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Pawan-Ragini

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