

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1624 of 2018

In

Civil Writ Jurisdiction Case No.17936 of 2017

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

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. R. K. Mahajan, the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. Mr. Amrendra Narayan Yadav, the Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
3. Mr. Dr. Vivekanand Shukla, the Registrar, B.R.A. Bihar University, Muzaffarpur.
4. Mr. O.P. Raman, the Examination Controller, B.R.A. Bihar University, Muzaffarpur.
5. Mr. Sunil Kumar Singh, the Inspector of College, Science, B.R.A. Bihar University, Muzaffarpur.
6. Mr. Prof. Dharendra Pal Singh, the Chairman, University Grant Commission, New Delhi.

... .. Opposite parties

Appearance :

For the Petitioner/s	:	Mrs.Nivedita Nirvikar
For the University		Mr. Sandeep Kumar
		Mr. Zaki Haider
For the lState	:	Mrs.Shrimati Shilpa Singh G A-12
		Mr. Sunil Kumar, AC to GA 12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-12-2018 Heard counsel for the parties.

The contempt petition has been filed for wilful disobedience of this Court's order dated 07.12.2017, passed in CWJC No. 17936 of 2017. Following was the direction of this Court in the aforesaid case:-

“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.”



A show cause reply has been filed on behalf of the University, stating therein that the University has taken a decision to grant affiliation to the College for the session beginning from 2019-20. The said decision has been taken on 07.10.2018.

The petitioner has, however, grievance that had this Court's order been complied with, the petitioner would have been given affiliation for the academic session beginning from 2018-2019.

It is vehemently contended on behalf of the petitioner that it is because of the delay in the decision of the University that the petitioner is being made to suffer and the students admitted for the session 2018-19 of the College will have no opportunity to appear for the University Examination.

Mr Sandeep Kumar, learned counsel, appearing on behalf of the University, on the other hand, has submitted that no case of deliberate disobedience of this Court's order is made out, since the University has finally taken a decision in favour of the College for grant of affiliation. It is also submitted that when the order of this Court dated 07.12.2017 was passed, there was requirement that the College seeking affiliation must have 10 acres of land for being eligible for grant of affiliation.



The said requirement was subsequently altered on 14.12.2017 and after the petitioner represented in February, 2018, the petitioner's case for grant of affiliation was processed. Reference has also been made to the letter dated 25.04.2018, issued by the office of the Chancellor, which prescribes calendar for the purpose of process of affiliation of the Colleges.

On perusal of the materials on record and, upon consideration of submissions made on behalf of the parties, I am of the view, that no case of deliberate disobedience of this Court's order is made out. The petitioner's grievance that the affiliation ought to have been granted and should now be granted for the academic session 2018.19 also, does not have any meaning, because in the absence of affiliation the Institution cannot have allowed admission of the students in the College. The apparent reason why the petitioner for pursuing his case for grant of affiliation from 2018-19 is to ensure that the students admitted for that session should also be allowed to appear for the examination. The admission taken by the College cannot be said to be in conformity with law and the grant of approval of affiliation, in that background, becomes meaningless.

I do not find any reason to entertain this contempt



application, which is accordingly dismissed.

However, I must observe that since the decision by the University has been taken for grant of affiliation, the State Government must ensure that the decision on the point of grant of approval of affiliation is taken expeditiously within a time-frame, as prescribed in the calendar issued by the office of the Chancellor through the letter dated 25.04.2018.

(Chakradhari Sharan Singh, J)

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