

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2227 of 2018

International Business College, Karmali Chak, Patna City, Patna through its Director namely Dharmendra Kumar, aged about 49 years, Son of Kapil Deo Singh, Resident of Flat No. 2 C, Bhuvneshwari Kutir, P.S. Shastri Nagar, New Punai Chak, Patna, Bihar.

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya Through Its Vice Chancellor.
2. The Vice Chancellor, Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.
4. The Examination Controller, Magadh University, Bodh Gaya.
5. The State of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat, Patna.
6. The Principal Secretary, Human Resources Development Department, New Secretariat, Patna.
7. The Joint Secretary, Human Resources Development Department, New Secretariat, Patna.
8. The Director, Human Resources Development Department, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Avanish Kumar Singh
For the State	:	Mr. Jitendra Kumar Roy No-1 -SC13
For the University	:	Mr. Shivendra Kishore, Sr. Adv. Mr. Ritesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 26-03-2018 The Magadh University, Bodh Gaya, and the State of Bihar have filed their counter affidavits.

I have heard learned Counsel for the parties.

The petitioner claims that it is an institution imparting education/training in different vocational courses. This application has been filed seeking quashing of an order, contained in Memo No. 167/D.S.W./17, dated 19.09.2017, whereby the institution has been restrained from giving



admissions till decision in respect of fixation of number of seats is taken.

From the counter affidavit filed on behalf of the Magadh University, it appears that the University has undertaken an exercise for inspection of the institution for deciding number of seats against which admissions can be given in vocational courses in the institution, in question.

By the order, dated 19.09.2017, the Universities, in the State of Bihar, have been asked to send report on the point of fixation of number of seats.

I do not find any lack of jurisdiction in issuance of the impugned letter, dated 19.09.2017.

Under the provisions of the Bihar State Universities Act, 1976, the number of seats are required to be fixed under Section 61 (2) of the Bihar State Universities Act, 1976.

In that background, this writ application is disposed of with a direction to the University that the report in respect of the institution in question be sent to the State of Bihar within a period of one month from today.

Since the academic session, normally, begins from the month of July, it is, therefore, directed that the State of Bihar shall take a decision on the question of fixation of number of



seats well in advance so that the exercise for admission may also be undertaken by the institution within prescribed time. For the said reason, I direct that the State of Bihar must take a decision in respect of fixation of number of seats within one month from the date of receipt of the report by the Magadh University.

Before I part with, I must observe that the respondents should make all endeavor to ensure that parties are not compelled to approach this Court for such direction, as sought in the present writ application, and instead, keeping in mind the time-line fixed for beginning of the academic session. They must ensure that in respect of other institutions also, the entire exercise is completed within a reasonable time.

This application stands disposed of.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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