

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4892 of 2017

=====

Devendra Pathak Sarvodaya Evening College, Gaya, S.B.S. Colony, Mustafabad, Gaya through its Secretary, Devendra Kumar Pathak, aged about 55 years Son of Shri Gopal Pathak Resident of 439, A.P. Colony, P.S.-Rampur, District- Gaya.

... .. 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. The Director, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
4. Magadh University , Bodh Gaya through its Registrar.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. The Examination Controller, Magadh University, Bodh Gaya. null null

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Respondent/s	:	Mr. Prabhakar Jha-Gp27
		Mr. Umesh Narayan Dubey, AC to Gp27
For the Magadh University :		Dr. Kumar Amitesh Chandra

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 07-05-2018

Heard learned counsel for the parties.

2. The petitioner has filed this writ application for granting permanent affiliation to Devendra Pathak Sarvodaya Evening College, Gaya, for conducting Degree Courses (Pass course & Hons' course) in the institution.

3. From the pleadings on record, it is evident that an application for affiliation was made. The said application had found favour of the Syndicate and Senate of the University and



the matter was recommended to the State Government under Section 21(2)(d) of the Bihar State Universities Act, for grant of approval of affiliation. The said proposal made by the University has been rejected by the State Government by an order passed on 14.12.2015. Subsequent attempt made by the petitioner for grant of affiliation has not given any result possibly on the ground that earlier application for grant of affiliation was rejected by the State Government.

4. Learned counsel, appearing on behalf of the petitioner has submitted that order passed by the State Government in 2015, rejecting proposal for grant of affiliation does not disclose any reason, inasmuch as it does not point out as to what were the deficiencies which weighed for the State Government to reject the claim for grant of affiliation.

5. The Court had the occasion to deal with the matters relating to delay in disposal of cases for grant of affiliation at various stages by the University and the State Government in case of **Dr. Ram Pramod Thakur and another vs. State of Bihar and Ors.** and another analogues cases (CWJC no. 4660 of 2017) disposed of on 26.04.2018. After having noticed the statutory provisions and the affidavits filed on behalf of the office of the Chancellor of the Universities of Bihar and the



State Government, this Court has laid down a time schedule for consideration of applications for affiliation, indicated in paragraph 11 and 12 thereof which read thus:-

“11. There is significance of the last date i.e. 15th September fixed for submission of application forms for grant of affiliation as indicated in the decision of the Chancellor. The said date is statutory which occurs in Article 2 (d) of the said Statutes and prescribes that an application for admission of an educational institution to the privileges of the University shall be submitted not later than 15th September of the preceding academic sessions. If what has been decided by the Chancellor, as quoted above, communicated through the letter dated 25.04.2018 (supra) is read with the aforementioned affidavit filed on behalf of the State Government are to be read together, following shall be the time schedule for consideration of an application for grant of affiliation from the stage of submission of an application under Article 2(d) of the Statutes:-

Consideration of application by the University

<i>Submission of Application Form</i>	<i>On or before 15th September</i>
<i>Constitution of Inspection Team</i>	<i>On or before 25th September</i>
<i>Inspection Teach Report</i>	<i>On or before 8th October</i>
<i>Affiliation Committee</i>	



<i>Meeting</i>	<i>On or before 15th October</i>
<i>Academic Council</i>	<i>On or before 20th October</i>
<i>Syndicate</i>	<i>On or before 30th October</i>
<i>Senate</i>	<i>On or before 15th November</i>
<i>Final report to the State Govt.</i>	<i>On or before 15th January</i>

Grant of approval of proposal for affiliation as contemplated under first proviso to section 21 (2)(d) of the Act.”

<i>Decision of the State Government under first proviso to Section 21(2) (d) of the Bihar State Universities Act</i>	<i>On or before 15th February</i>
<i>In case of deficiency noticed by the State Government, notice to be given to the University and the concerned college</i>	<i>On or before 15th February</i>
<i>Removal of deficiency by the college</i>	<i>On or before 15th March</i>
<i>Fresh proposal by the University after removal of deficiency</i>	<i>On or before 16th March</i>
<i>Fresh decision of the State Government on receipt of proposal, if any, under Section 21(2)(d) of the Act</i>	<i>On or before 16th April</i>

12. I have just clubbed together the decisions of the Chancellor, Universities of Bihar and the State Government in respect of the time-frame which they intend to maintain in the matter of



grant of affiliation. The court has frequently experienced inordinate delay in taking definite decision on such matter, which has consequence of generating umpteen number of unnecessary litigations which could have been otherwise easily avoided. I, therefore, direct that all concerned shall strictly adhere to the time schedule, as noted above. Any deviation, if noticed, shall be viewed seriously by this Court.”

6. In view of the clear time schedule prescribed under the order of this Court dated 26.04.2018, passed in case of **Dr. Ram Pramod Thakur and another** (supra), this application is disposed of with a liberty to the petitioner to apply a fresh for grant of affiliation for the subsequent session 2019 onwards by making application by 29th September, 2018. The respondent will be obliged to process the application, if so filed, in accordance with the said time schedule.

7. This application stands disposed of.

(Chakradhari Sharan Singh, J)

Ashish/-

U			
---	--	--	--

