

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18365 of 2018

Vijay Kumar Yadav, Son of Late Prabhu Gopal, Resident of Village- Nari, P.s. Noor Sarai, District-Nalanda, Principal of Ram Lakhan Singh Yadav, Degree College, Bhiarsharif, P.S. Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Higher Education, Govt. of Bihar, Patna.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. The Vice Chancellor, Patliputra University, Patna.
8. The Registrar, Patliputra University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anisur Rahman
For the Patliputra Univ.	:	Dr. Anand Kumar
For the State	:	Mr. Bijay Bhushan Prasad, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-09-2018

Heard learned counsel for the parties.

2. The petitioner claims that he is presently working as Principal of Ram Lakhan Yadav Degree College, Biharsharif. A direction is being sought in the present writ application to the respondents to grant permanent affiliation to the college in all subjects namely Arts, Science and Commerce (Pass and Honours) and accept the fees and forms for registration and examination of students of 2017-18 session and allow them to appear in the examination. There is yet another relief which the petitioner is seeking to the effect that the mark-sheets and certificates be issued to the students of session 2016-17, who



had appeared in the examination held by the University. The petitioner is also seeking direction to allow the petitioner to take admission of students for academic session 2018-19.

3. There are certain facts which are admitted by the petitioner himself.

4. The college was earlier granted temporary affiliation by the University which was approved by the State Government from time to time up to the academic session 2008-09. After 2008-09, the State Government did not approve the affiliation of the college, in question, as required under Section 21(2)(d) of the Bihar State Universities Act, 1976 (hereinafter referred as to 'the Act'). Thus, after 2009-10, the college remained unaffiliated since affiliation becomes effective only after it is approved by the State Government under Section 21(2)(d) of the Act as is clear from the language of the said provision. The University, it is stated, had been writing to the State Government for extension of affiliation. The State Government, however, did not allow extension of affiliation and recently by letter dated 30.03.2017, issued by the Education Department, Government of Bihar, the approval under Section 21(2)(d) of the Act has been refused on the ground that the college does not fulfill the requisite conditions for grant of



affiliation.

5. The fact thus remain that the college did not have the status of an affiliated college within the meaning of Section 2(c) of the Act. Since the college did not have the status of an affiliated college, the college should not have allowed admission for any session subsequent to 2009-10. In that background, the relief, which the petitioner is seeking for publication of result, allowing the college to admit the students and accept fees and forms for registration and examination of the students of 2017-18, cannot be granted.

6. Learned counsel, appearing on behalf of the petitioner, has drawn my attention to Annexure-7 to the writ application, through which an information was sought from the Education Department, Government of Bihar, under the Right to Information Act, for disclosing the ground for rejection of proposal made by the University for approval of affiliation by the State Government. The petitioner has been supplied information, through letter dated 13.03.2018 of the Public Information Officer (Higher Education), Education Department in which it has been mentioned that the requisite security money required to be deposited to the University fund, was not deposited and, therefore, the approval has not been granted. He



submits that after the college learnt about the said deficiency, as pointed out in the information supplied under the Right to Information Act, the same has been removed, inasmuch as an amount of Rs. 4,80,000/- has been deposited in the University fund and, therefore, the college is entitled to enjoy the status of affiliated college.

7. What emerges from the facts narrated above is that the petitioner himself admits of at least one deficiency in respect of non-deposit of the requisite security money, being one of the reasons for refusal of approval of affiliation. If according to the petitioner, the deficiency has been removed, it will be open for the college to apply afresh for grant of affiliation before the University, whereafter the University shall proceed, in accordance with law. It will be open for the petitioner to apply for grant of affiliation within the time stipulated for the said purpose. If that is done, the authorities are directed to proceed with the application and take a decision adhering strictly to the time-frame fixed by the Office of the Chancellor, in this regard.

8. This disposed of the application.

(Chakradhari Sharan Singh, J)

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