

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19396 of 2018

-
1. Ram Lakhan Singh Yadav College, Anisabad, Patna-800002, through its Prof.-in-charge Sri Bhuneshwar Prasad Yadav.
 2. Bhuneshwar Prasad Yadav Son of late Kripali Prasad yadav, resident of At:- Makhdumpur, P.O. & P.S.:- Sheikhpura, District:- Sheikhpura, at present posted as Prof.-in-charge Ram Lakhan Singh Yadav College, Anisabad, Patna-800002.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department (Higher Education), Government of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Government of Bihar, New Secretariat, Patna.
4. The 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.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Respondent/s : Mr. Smt. Binita Singh- Sc28

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-09-2018 Heard learned counsel for the parties.

The petitioners are seeking direction to respondent no. 4 to 7 to discharge their 'legal obligation' to accept the fees and forms of the students of the petitioner-institution, namely, Ram Lakhan Singh Yadav College, Anisabad, Patna, for the purpose of their appearance in B.A., B.Sc., B.Com Part III Honours Examinations of different subjects of the session 2017-18.

The petitioners claim that there is already affiliation



granted by the University, duly approved by the State Government under Section 21(2)(d) of the Bihar State Universities Act, 1976 (hereinafter referred to as 'the Act') for conducting undergraduate pass course. It is their case that the University, after due inspection of the college and finding sufficient infrastructure, has recommended to the State Government for grant of affiliation up to the 'Honours' level, through letter dated 23.06.2015. It is the case of the petitioners that the college has undertaken admission of students in various subjects of Honours course, on the strength of the decision of the Magadh University to grant affiliation.

This Court has taken consistent view that an affiliation comes into effect only if the State Government grants the required approval under Section 21(2)(d) of the Act. Admittedly, the college in question does not have affiliation up to 'Honours' level in the absence of approval of the State Government under Section 21(2)(d) of the Act, as discussed in the case(s) of ***Dr. Ram Pramod Thakur Vs. State of Bihar and Ors.*** and ***National Institute of Health Education and Research Vs. State of Bihar and Ors.***

In view of the law as discussed in the case(s) of ***Dr. Ram Pramod Thakur*** and ***National Institute of Health***



Education and Research (supra), I do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Ashish/-

U			
---	--	--	--

