

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2342 of 2018

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1. Prof. Shailendra Kumar Sinha, Son of Late Parmanand Sinha, Resident of Mohalla- Ashok Nagar, Police Station- Kankarbagh, District and Town Patna, at present working as Professor-in-Charge, Firoz Gandhi College, Karbigahiya, Patna-800001.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Vikash Bhawan, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Vikash Bhawan, Patna.
3. The Joint Secretary (Higher Education), Human Resources Development Department, Government of Bihar, Vikash Bhawan, Patna.
4. The Additional Secretary (Higher Education), Human Resources Development Department, Government of Bihar, Vikash Bhawan, Patna.
5. The Director, Higher Education, Bihar, Patna.
6. The Magadh University, Bodh Gaya through its Registrar.
7. The Registrar, Magadh University, Bodh Gaya.
8. The Inspector of Colleges (Arts and Commerce/Science), Magadh University, Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Priyadarshi
For the B.S. Ex. Board : Mr. Ajay Behari Sinha
For the State : Mr. Amit Bhushan, AC-GP17

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 18-07-2018

Following is the relief sought in the present writ
application:

“For issuance of an appropriate writ/writs, direction/directions, order/orders directing and commanding the Respondent authorities of the State to pass appropriate order over grant of approval of affiliation of the Firoz Gandhi College, Patna in different



Arts and Commerce, Science subjects (Pass/Hons.) in terms of the recommendation for grant of approval made by the Magadh University, Bodh Gaya without further delay since the same is pending before it for a considerable long period.”

This court had occasion to deal with the process of grant of affiliation to the colleges and mandatory requirement of approval of such affiliation by the State Government under the first proviso to section 21(2)(d) of the Bihar State Universities Act, 1976 (*hereinafter referred to as the ‘Act’*) in case of **Dr. Ram Pramod Thakur & Ors. vs. The State of Bihar (CWJC No. 4660 of 2017)** and another analogous matter. While disposing of the said writ application, this Court vide order dated 26.04.2018 has laid down a time schedule for consideration of an application for grant of affiliation, from the stage of submission of application under Article 2(d) of the Statute relating to admission and exclusion of colleges other than those managed and maintained by the University till decision on grant of approval of proposal for affiliation as contemplated under the first *proviso* to section 21(2)(d) of the Act is taken, which reads thus:

Consideration of application by the University

Submission of Application Form	On or before 15 th September
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Constitution of Inspection Team	On or before 25 th September
Inspection Teach Report	On or before 8 th October
Affiliation Committee Meeting	On or before 15 th October
Academic Council	On or before 20 th October
Syndicate	On or before 30 th October
Senate	On or before 15 th November
Final report to the State Govt.	On or before 15 th January

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

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



The court directs the respondents to consider petitioner's application and take final decision in accordance with the time frame fixed in case of Dr. Ram Pramod Thakur (supra).

This application is, accordingly, disposed of, with the direction and observation as above.

I.A. No. 3716 of 2018 and I.A. No. 4868 of 2018 also stand disposed of.

(Chakradhari Sharan Singh, J.)

Rakhi

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	25.07.2018
Transmission Date	

