

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14700 of 2018

Binod Prasad Son of late Janak Mahto Resident of Village- Maghara, P.S.
Deep Nagar, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Chancellor, Universities of Bihar, Governor House, Patna.
3. Magadh University through its Registrar, Magadh University, Bodh, Gaya.
4. The Vice- Chancellor, Magadh University, Bodh Gaya.
5. The Governing Body of K.S.T. College, through its Secretary, Salempur, Sohsarai, Nalanda.
6. Patliputra University through its Registrar, Patliputra University, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Janardan Pd. Singh, Senior Advocate Mr. Abhya Kumar, Advocate Mr. Ramchandra Singh, Advocate Mr. Uday Kr. Singh, Advocate
For the Respondent State:		Mr. Jitendra Kr. Roy No. 1, SC-13
For the Respondent Univ.:		Mr. Shivendra Kishore, Senior Advocate
For the Hon'ble Chancellor :		Mr. Rajendra Kumar Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 31-08-2018 The petitioner claims that he is a Lecturer/Teacher of K.S.T. College, Salampur, Sohsarai, Nalanda, which is an Inter College, imparting education up to intermediate level. The College has been given permanent affiliation up to degree level by the Magadh University, Bodh Gaya, which has been duly approved by the State Government on 19.03.2008.

This is not in dispute that a College, which is accorded affiliation to impart education up to the degree level, cannot run intermediate course. The petitioner, who was appointed as a Teacher in Intermediate College, has questioned



the decision to grant permanent affiliation in favour of the College.

The petitioner had earlier approached this Court by filing writ application, giving rise to C.W.J.C. No. 8273 of 2009, aggrieved by the decision of the Government, as contained in letter No. 632 dated 19.03.2008, approving affiliation, mainly on the ground that the College did not have any infrastructure for undertaking graduate course. He was, at the same time, pursuing his grievance by filling representation dated 25.03.2009 before the Chancellor of the Universities of the State of Bihar. The said writ application was disposed of by an order of this Court dated 30.07.2009 with a request to the Chancellor, Universities of Bihar, to consider the said representation dated 25.03.2009 and dispose it of within a reasonable time.

The petitioner again approached this Court by filing a writ application, giving rise to C.W.J.C. No. 18495 of 2010, with a grievance that despite this Court's order, dated 30.07.2009 passed in C.W.J.C. No. 8273 of 2009, his representation could not be disposed of by the Office of the Chancellor. The said C.W.J.C. No. 18495 of 2010 came to be disposed of by order dated 28.04.2011, again requesting the Chancellor to look into the matter and take a decision after



giving due opportunity to the parties to be heard.

In compliance of this Court's order, dated 28.04.2011 passed in C.W.J.C. No.18495 of 2010, the Chancellor passed an order dated 24.05.2013 rejecting the petitioner's representation while recording that the College, in question, had rightly been given affiliation for degree level teaching.

The petitioner again approached this Court by filing a writ application, this time giving rise to C.W.J.C. No. 19685 of 2013, which came to be dismissed by judgment and order dated 12.10.2015.

The petitioner thereafter filed a Letters Patent Appeal, giving rise to L.P.A. No. 2056 of 2015, against the order dated 12.10.2015 passed in C.W.J.C. No. 19685 of 2013. A Division Bench of this Court, by order dated 11.12.2017, disposed of the appeal and while refusing to interfere with the judgment and order of learned single Judge, in absence of any valid ground, observed that in case the petitioner felt that certain aspects have not been taken note of by the Chancellor, which were relevant for deciding the issues in question, he might approach the Chancellor and seek review of the decision.

Taking aid of the said observation of the Division Bench of this Court in L.P.A. No.2056 of 2015, in the order



dated 11.12.2017, the petitioner filed a review application before the Chancellor, which, too, has been rejected by a reasoned order dated 25.06.2018. The said order of the Chancellor, passed on an application seeking review of the earlier order, is being assailed in the present application.

I must record, at the first place, that the petitioner's challenge to the decision of the University and the State Government to grant affiliation in favour of the College in the year 2008 lacks *bonafide*. In the order dated 12.10.2015 passed in C.W.J.C. No. 19685 of 2013, this Court, considering challenge to the decision of the respondent University and the State Government to grant and approve the permanent affiliation, while dismissing the writ application filed by the petitioner, made the following observations : -

“Any interference with such decisions would amount to reaching the previous directions of the Court passed in Annexure-1 and 2. The Court also cannot be unmindful of the fact with regard to the status of the petitioner when he had approached the High Court in a previous writ application.

In totality, therefore, the Court comes to a considered opinion that it is a motivated writ application to create a bargaining position against institution as well as managing committee. It is personal agenda or grudge which the petitioner is venting against the institution on one pretext or the other. The Court is not inclined, therefore, to interfere



with the decision, especially when recognition has been granted after due enquiry and order passed by His Excellency, the Chancellor and when teaching has been going on for many years now.”

The Division Bench, too, did not find any reason to make any indulgence. Merely, a liberty was given to the petitioner to seek review before the Chancellor. His review application also came to be dismissed by the Chancellor of the Universities, by a detailed reason, impugned herein.

Mr. Janardan Prasad Singh, learned senior counsel appearing for the petitioner, submits that after obtaining affiliation upto Under Graduate level, the College cannot continue with the teaching at the intermediate level, for which the petitioner was appointed. This is the only *locus standi*, which the petitioner claims to be having to assail the decision of the respondents to grant affiliation.

Frivolity, in making this application on behalf of the petitioner, is writ large. The College, in question, is privately managed. The petitioner cannot raise a grievance against grant of affiliation in favour of the College to conduct higher courses on the ground that he will be put in disadvantageous position. The petitioner has not been able to show any of his fundamental or legal rights getting infringed because of grant of affiliation up



to UG level in favour of the College.

I do not find any merit in this writ application. This writ application is accordingly dismissed with a note that I was considering imposition of cost on the petitioner for filing this frivolous writ application, I have, however, refrained myself for the present with a note of caution to the petitioner that he may be saddled with exemplary cost, if he repeats raising issue in relation to grant of affiliation in favour of the College on such frivolous grounds.

(Chakradhari Sharan Singh, J)

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