

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4353 of 2017

Shree Banbhat Sanskrit College, Mahrauli, Sakari Khurd, P.S.- Palasi,
District- Arwal through its Acting Principal namely Amresh Kumar, S/o Satya
Narayan Singh, Resident of Mohalla- Raja Bazar, P.S.- Jehanabad Town,
District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna. null null
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Joint Secretary to the Government , Education Department, Government of Bihar, New Secretariat, Patna.
4. The Deputy Secretary to the Government, Education Department, Government of Bihar, New Secretariat, Patna.
5. The Director, Higher Education Department, Government of Bihar, New Secretariat, Patna.
6. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar.
7. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. The Registrar/In-Charge Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
9. The Examination Controller, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad
For the Respondent/s	:	Mr. PRABHAKAR JHA-GP27
		Mr. Umesh Narayan Dubey, AC to GP-27
For the University	:	Mr. Gayanand Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-01-2018 Heard learned counsel for the parties.

2. It appears that the case of the petitioner is squarely covered by the decision of this Court in case of ***Jag Jivan Abhyuday Sanskrit Mahavidalaya and ors. vs. Kameshwar Singh Darbhanga Sanskrit University and ors*** (LPA No. 1959



of 2015), decided on **29.09.2016**. After elaborate discussions on the question of application of norms for affiliation as contained in the circular, dated 18.10.1976, this Court specifically held as follows:-

“We have heard learned counsel for the parties and find that the decision of the State Government taken on 18th of October, 1976 continues to be valid and enforceable as such decision does not run counter to any of the provisions of the Act and the Rules framed there under in respect of the institutions which were established when such decision was in force. The Statute dated 19th April, 1986 would be applicable to those institutions which come into existence after the issuance of the said Circular. Such Statute will not have retrospective effect to the institutions which were in existence prior thereto. The revised norms will not be applicable to existing institutions, such as the appellants.”

3. The Court noticed this Court's earlier decision in case of **Sarswati Vilas Sanskrit Mahavidyalaya, Shokhara, Barauni Vs. Kameshwar Singh Darbhanga Sanskrit University and ors** (CWJC No. 9085 of 199), while referring to Section 21 of the Bihar State Universities Act, 1976 and the said decision of the State Government as contained in the circular, dated 18.10.1976.

4. Following the said Division Bench decision in case of



Jag Jivan Abhyuday Sanskrit Mahavidalaya (supra), this application is allowed. The impugned communication, dated 31.12.2013 is, hereby, set aside. The letter No. 5206, dated 22.12.2014 is consequential in nature, which also stands set aside consequent upon quashing of the letter, dated 31.12. 2013.

5. The Respondents are directed to consider the claim of the petitioner for grant of recognition and/or affiliation in accordance with the circular, dated 18.10.1976, in the light of the earlier decision of this Court in case of ***Saraswati Vilas Sanskrit Mahavidyalaya*** (supra).

6. The writ application is allowed.

(Chakradhari Sharan Singh, J)

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