

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16243 of 2018

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Raj Kishore Prasad, Son of Late H.K.L. Srivastava, Resident of K.S. Y College, Barun, P.S.- Barun, District- Aurangabad, Presently posted as In-charge Principal, K.S.Y. College, Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
4. The Magadh University through its Registrar, Magadh University, Bodh Gaya.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh Mr. Prakash Kumar Mr. Manoranjan Kumar
For the State	:	Mr. Madanjeet Kumar- GP-20 Mr.Narendra Kumar, AC to GP 20
For the University		Mr. Shivendra Kishore, Sr. Advocate Mr. P.Deepak

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 30-10-2018 Heard learned counsel for the parties.

This writ application has been filed by the In-charge Principal of K.S.Y. College, Barun in the district of Aurangabad, seeking quashing of the Letter No.1830 dated 21.10.2017, issued by the Education Department, Govt. of Bihar, whereby the recommendation made by the Magadh University, for grant of permanent affiliation in favour of the College in B.SC. Honours Course in Physics,



Chemistry, Biology and Mathematics subjects has been turned down.

Learned counsel, appearing on behalf of the petitioner has, at the very outset, drawn my attention to the contents of the impugned order to impress upon this Court that the reasons assigned for rejection are not germane and without any substance. He further contends that the approval of affiliation has been rejected by the Education Department, Govt. of Bihar on two grounds, namely,:- (i) the College did not possess the requisite area of land and (ii) the College did not fulfil the condition of depositing the requisite amount in the reserve fund. He has also contended that it is incorrect to say that the College possesses only 08 acres of land, rather it has 10 acres of land registered in the name of the Chancellor, Universities of Bihar. However, in respect of the second ground, learned counsel for the petitioner has not been able to satisfy this Court that the requisite amount has been deposited, based on the materials available on record. Leaned counsel for the petitioner, however, has contended that the said amount has been deposited.

A supplementary affidavit has been filed on



behalf of the petitioner, bringing on record the inspection report of the inspection team of the University dated 03.02.2012 in order to make out his case that the College has enough fund to meet the recurring and non-recurring expenditure of the College. The inspection report, however, does not indicate that the said requisite amount has been deposited in the reserve fund. In the supplementary affidavit, it has also been stated that the petitioner has filed a fresh application before the Vice-Chancellor, Magdh University, along with necessary documents on 13.09.2018 for grant of permanent affiliation in the subjects, in question. Learned counsel for the petitioner contends, on the basis of oral instructions which he has received, that the inspection team has conducted the inspection of the College, recently.

Mr. Shivendra Kishore, learned Senior Counsel, appearing on behalf of the University, has contended that in the absence of any evidence of depositing the requisite amount in the reserve fund, the impugned order dated 21.10.2017 cannot be said to be unjustified. Similar submission has been made by Mr. Narendra Kumar, learned AC to GP 20 for the State, justifying the correctness of the



decision of the State Government.

I find substance in the submissions made on behalf of the University and the State Government that the finding recorded by the Education Department in the impugned order that the requisites amount has not been deposited in the reserve fund, could not be shown by the petitioner to be incorrect. This Court, therefore, does not find any reason to interfere with the said decision.

It is, however, indicated that in view of the averment made in the supplementary affidavit that the University and the State Government shall ensure that the petitioner's application for grant of affiliation made on 13.09.2018 is considered and disposed of in accordance with the time schedule prescribed by this Court in the order dated 26.04.2018, passed in CWJC No. 4660 of 2017 (**Dr. Ram Pramod Thakur & another Vs. The State of Bihar and others**).

The Court gives the petitioner a liberty to deposit the requisite amount in the reserve fund, if the same has not been deposited so far and the University shall allow the petitioner to do so even if the last date of application for grant of affiliation has expired. It will also be open to the



petitioner to convince the University and the State Government that the requisite amount has already been deposited in the reserve fund

I have not gone into the correctness of the contention on behalf of the petitioner that the requisite area of land is available with the College. The authority shall examine the same objectively.

(Chakradhari Sharan Singh, J)

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