

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12300 of 2018

=====

Nitesh Kumar Smarak College, Andhrawar Chowk, Paharpur Toi, Sahdev Bujurg (Vaishali) through its Secretary Dr. Rajeshwar Patel, aged about 64 years Son of late Ram Lakhan Singh Resident of Village- Ghazipur Garahi, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
3. Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur through its Registrar.
4. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
6. The Examination Controller, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12579 of 2018

=====

Dhanraj Bhagat Degree College, Mustafaganj, Meenapur, Muzaffarpur through its Secretary Ganesh Prasad, aged about 74 years, son of Nirsan Prasad, Resident of Village- Mustafaganj, P.S. Meenapur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
3. Babasaheb Bhimrao Ambedkar Bihar University, Muzffarpur through its Registrar.
4. The Vic3e Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
5. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
6. The Examination Controller, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.

=====

Appearance :

(In Civil Writ Jurisdiction Case No. 12300 of 2018)

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. Madhaw Prasad Yadav - GP-23

(In Civil Writ Jurisdiction Case No. 12579 of 2018)



For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Jitendra Kumar Ray -1 SC13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-07-2018 In both the writ applications filed under Article 226 of the Constitution of India, following is the common relief, which has been sought by the petitioners for conducting the Degree Courses under B.R.A. Bihar University, Muzaffarpur:-

“i. For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondents to grant Permanent Affiliation to the petitioner Institution for conducting Degree Courses since the petitioner Institution fulfills each & every criteria for the same.

ii. For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondent University to allow the students of the petitioner Institution of the Session 2016- 2019 (Ist Part) to appear in the Examination as they have been admitted in the petitioner's College and have pursued their studies in the petitioner College.

iii. For issuance of an appropriate Writ in the nature of Mandamus commanding the



Respondent University to allow the failed/promoted students of the petitioner institution of the session 2015-18 (Ist Part) to appear in the ensuing examination.”

2. This is not in dispute that the Colleges do not enjoy the status of affiliated Colleges within the meaning of Section 2(c) read with Section 21(2) (d) of the Bihar State Universities Act, 1976 (hereinafter referred to as ‘the Act’).

3. In view of the common relief, which has been sought in both the applications, they have been heard together and are being disposed of by the present common judgment and order.

4. Learned counsel appearing on behalf of the petitioners is not in a position to dispute the fact that these cases are squarely covered by a decision of this Court passed in CWJC No. 518 of 2018 and other analogous cases (***Dr. Jagarnath Mishra Degree, Mahavidyalaya and others Vs. The Vice-Chancellor, Magadh University, Bodh Gaya***). The prayer for direction to the University to allow the students of the petitioning Institutions to appear in the examination cannot be granted, in view of the legal position as discussed by this Court in case of ***Dr. Jagarnath Mishra Degree, Mahavidyalaya***



(supra).

5. Consequently, no relief can be granted by issuance of the direction to the respondent University to allow the failed/promoted students of these institutions of Session 2015-18 to appear in the examination.

6. There is yet another relief which the petitioners are seeking; for direction to the respondent University to grant permanent affiliation to the petitioning Institution for conducting Degree Courses. It has been argued that the matter for grant of approval of affiliation is pending with the State Government since long. So far as the grant of approval by the State Government is concerned, this Court has, with the consent of the respondents prescribed a time frame for disposal of cases for grant of approval etc, of affiliation in case of Dr. Ram Pramod Thakur and another Vs. The State of Bihar and others passed in CWJC No. 4660 of 2017 disposed of on 26.04.2018.

7. The Respondent-State of Bihar is directed to dispose of the cases for grant of approval, if they are still pending with the Government, strictly in accordance with the direction issued in case of Dr. Ram Pramod Thakur and another Vs. State of Bihar and others (supra).

8. Both the applications stand disposed of with the



observation and direction as above.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

