

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17865 of 2018

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Swatantrata Senani Shankarlal Agrawal Prabandhan Ewam Takniki Mahavidyalay, Kiran Bhawan, Rajapur Pul, Boring Canal Road, P.S. Budhha Colony, District- Patna through its Principal Sri Amit Kumar Shukla, S/o Dr. Gopal Shukla, House NO. 172, Professor Colony, Near R.M. College, Hajipur 844101.

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya, Gaya through its Vice Chancellor.
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
3. The Registrar, Magadh University, Bodh Gaya, Gaya.
4. Patliputra University, Patna, through its Vice Chancellor.
5. The Vice Chancellor, Patliputra University, Patna.
6. The Registrar, Patliputra University, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 17934 of 2018

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Catalyst College, 2nd and 3rd Floor, Kulharia Complex, Ashok Rajpath, P.S. Peerbahore District- Patna through its Director Sri Neeraj Agrawal, S/o Sri Basant Agarwal, R/o Flat No. 701, Gangotri Apartment, Exhibition Road, P.S. Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya, Gaya through its Vice Chancellor.
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
3. The Registrar, Magadh University, Bodh Gaya, Gaya.
4. Patliputra University, Patna, through its Vice Chancellor.
5. The Vice Chancellor, Patliputra University, Patna.
6. The Registrar, Patliputra University, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 17940 of 2018

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Catalyst Institute Of Management & Advance Global Excellence, Commercial Plot No.-5, Road No.-1A, Boring Road, District- Patna- 800001, through its Principal Sri Nitish Kumar, Rohatgi, S/o Sri Krishna Kumar Rohatgi, R/o Flat No. 203, Keshav Apartment, Kannulal Road, P.S.- Jakkanpur, District- Patna 800001.

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya, Gaya through its Vice Chancellor.
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.



3. The Registrar, Magadh University, Bodh Gaya, Gaya.
4. Patliputra University, Patna, through its Vice Chancellor.
5. The Vice Chancellor, Patliputra University, Patna.
6. The Registrar, Patliputra University, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17865 of 2018)

For the Petitioner/s	:	Mr. Sandeep Kumar
For the Chancellor	:	Mr. R.K. Giri
For the Magadh Univ.	:	Mr. Ritesh Kumar
For the Patliputra Univ.	:	Mr. P.K. Verma, Sr. Advocate Dr. Anand Kumar
For the State	:	Mr. Madhaw Pd. Yadaw GP-23 Ms. Meera Singh, AC to GP-23

(In Civil Writ Jurisdiction Case No. 17934 of 2018)

For the Petitioner/s	:	Mr. Alok Kumar @ Alok Kr Shahi
For the State	:	Mr. Kameshwar Kumar, GP-17 Mr. Arbind Kumar, AC to GP-17

(In Civil Writ Jurisdiction Case No. 17940 of 2018)

For the Petitioner/s	:	Mr. Alok Kumar @ Alok Kr Shahi
For the State	:	Mr. Narendra Kumar, AC to GP-20

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 10-10-2018 Heard learned counsel for the parties.

2. These writ applications have been filed by three colleges, namely, Swatantrata Senani Shankarlal Agrawal Prabandhan Ewam Takniki Mahavidyalay, Kiran Bhawan, Patna, Catalyst College Kulharia Complex, Ashok Rajpath, Patna and Catalyst Institute of Management and Advance Global Excellence, Patna. They are seeking direction to the Magadh University, Bodh Gaya, to transfer their applications for grant of affiliation for the academic session 2018-19 to Patliputra University, Patna. The requirement of filing of the present writ applications has arisen because of creation of New



Patliputra University, which has been carved out from Magadh University. The colleges, in question, fall within the territorial jurisdiction of Patliputra University. The University has been bifurcated with an amendment in the Bihar State Universities Act, 1976. It has come into effect, w.e.f. 18.03.2018. The Act is said to have been notified in official gazette on 09.04.2018.

3. It is the case of the petitioners that they had paid inspection/processing fee of Rs. 5,00,000/- (five lacs) each to the Magadh University, Bodh Gaya. It is accordingly their contention that since the question of affiliation could not be finalized before bifurcation of the University and now Patliputra University has jurisdiction to take decision on the question of grant of affiliation, their applications with the processing fees should be transferred to Patliputra University.

4. Learned counsel appearing on behalf of the petitioners has submitted that before publication of notice in official gazette of the amending Act, leading to creation of a new University after carving it out of Magadh University, inspection of the colleges were conducted by the Magadh University, Bodh Gaya. It is also their case that upon the said inspection reports, the Syndicate and Senate of the Magadh University, had taken certain decision.



5. Be that as it may, since the Act leading to bifurcation of the University came into effect from 18.03.2018, any action by Magadh University subsequent thereto, cannot be said to be within jurisdiction in respect of colleges falling within the jurisdiction of Patliputra University.

6. In that view of the matter, I direct the Registrar, Magadh University, Bodh Gaya, to transfer the applications of these petitioners to the Registrar, Patliputra University along with their processing fees, if not already transferred, till 26th October, 2018.

7. The Patliputra University is directed, in turn, to take a decision on the applications of these petitioners for grant of affiliation expeditiously, in accordance with law.

8. This disposes of the writ applications.

(Chakradhari Sharan Singh, J)

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