

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18868 of 2018

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R. P. S. College Harnaut, Nalanda through its Principal, namely Dr. Upendra Kumar Sinha, S/o Sri Ram Ratan Singh, Permanent resident of Harnaut, P.S.-Harnaut, District-Nalanda.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. Kumar Kamalnayan, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-09-2018 Heard learned counsel for the parties.

By Memo No. 1139 dated 02.07.2018, issued by the Additional Secretary, Education Department, Government of Bihar, approval of permanent affiliation of B.A. (Honours), B.Com.(Honours) and B.Sc.(Honours) courses have been granted in favour of the R.P.S. College, Harnaut for the academic session 2018-19.

The petitioner has questioned the said decision of the Education Department and is seeking a direction for grant of approval of affiliation for the previous session also i.e. academic session 2017-18.

The stand of the petitioner is based on the plea that the University had taken a decision to grant affiliation, much before approval has been granted by the Education Department



under Section 21(2)(d) of the Bihar State Universities Act, 1976 (hereinafter referred to as 'the Act'), and, therefore, the State Government should have granted approval of affiliation retrospectively.

I do not find much substance in the plea on behalf of the petitioner. No retrospective approval of affiliation can be granted for the reasons that an affiliation does not come into effect, unless it is approved by the State Government under Section 21(2)(d) of the Act, and an institution, in the absence of affiliation, could not admit students in the college. If in the absence of affiliation in favour of the college for particular academic session 2017-18 the petitioner-institution could not have admitted students, there would have been no purpose in granting affiliation from any retrospective date. If the institution has admitted students even in the absence of affiliation, it is certainly in contravention of the Statutory provisions, as has been discussed above in the case of ***Dr. Ram Pramod Thakur Vs. State of Bihar and Ors.***

I do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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