

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23095 of 2018

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Sri Yugeshwar Mahanth Pathak Sanskrit Mahavidyalaya, Mansapur, P.O. Mansapur, District-Madhubani through its Principal Dr. Jaishankar Pathak Son of Late Yugeshwar Pathak.

... .. Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, District-Darbhangha through its Registrar.
2. Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, District-Darbhangha.
3. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, District-Darbhangha.
4. The State of Bihar through Principal Secretary (Higher Education), Department of Education, Government of Bihar, Patna.
5. The Additional Secretary, Department of Education, Government of Bihar, Patna.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 23354 of 2018

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Pandit Tarkeshwar Brijnandan Sharda Sanskrit Mahavidyalaya, Kochas P.O. Kochas, District-Rohtas through its Principal Raj Narayan Pandey son of Brijnandan Pandey.

... .. Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, District-Darbhangha through its Registrar.
2. Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, District-Darbhangha.
3. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, District-Darbhangha.
4. The State of Bihar through Principal Secretary (Higher Education), Department of Education, Government of Bihar, Patna.
5. The Additional Secretary, Department of Education, Government of Bihar, Patna.
6. The Joint Secretary, Department of Education, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 23095 of 2018)

For the Petitioner/s : Mr. Durga Nand Jha
For the Respondent/s : Mr. Prabhakar Jha -GP-27
For the University : Mr. Awadhesh Pd. Sinha

(In Civil Writ Jurisdiction Case No. 23354 of 2018)

For the Petitioner/s : Mr. Durga Nand Jha
For the Respondent/s : Mr. Smt.Shilpa Singh -GA-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH



ORAL ORDER

2 12-12-2018 Since common issues are involved in both the writ applications, they are being disposed of by the present common judgment and order.

Following is the relief sought in both the cases:-

“(i) Issuance of a writ in the nature of Certiorari for quashing the letter no. 14/AF-06/2012-308 dated 8.3.18 as sent by the O.S.D. (Judicial) vide letter no. 927 dated 27.3.2018, issued under the signature of Additional Secretary (Respondent No. 5) and communicated to petitioner College by the Registrar of K.S.D.S. University vide letter no. 824 dated 26.5.18, whereby and whereunder the Government decision has been communicated to the effect that affiliation matter would be decided within one month from the date of receipt of proposal under statute letter no. 1098 dated 19.4.1986 under section 21(2)(d) of the B.S. Universities Act absolutely contrary to decision of this Hon’ble Court dated 29.9.2016 passed in L.P.A. No. 1959 of 2015.”

On perusal of the pleadings on record, it transpires that only apprehension which the petitioners have is that their cases for grant of affiliation are going to be considered in the light of Regulation dated 19.04.1986. It is their case that these



Sanskrit Colleges were established prior to 19.04.1986 and, therefore, they are governed by the regulation/guideline dated 18.10.1976, which was prevalent before 19.04.1986. Reliance has been placed on a Division Bench decision of this Court in case of ***Jag Jivan Abhyuday Sanskrit Mahavidyalaya and Another Vs. Kameshwar Singh Darbhanga University and Ors***, dated 29.09.2016 rendered in L.P.A. No. 1959 of 2015, which has been brought on record by way of Annexure-13 to the writ application. Relevant portion of the said decision of this Court reads thus:-

“Still further, the decision of the State Government dated 24th of June, 2000 stands sent aside by this Court in Saraswati Vilas Sanskrit Mahavidyalaya, Shokhara, Barauni’s case(supra). The said decision was taken in the light of the provisions of Section 21 of the Bihar State Universities Act, 1976 and the decision dated 18th of October, 1976. Once the said Circular has been set aside, therefore, as a necessary consequence, the appellants would be governed by the Circular dated 18th October, 1976.

Consequently, the communication dated 6th of January, 2014 is set aside. The respondents are directed to consider the



claim of the appellants for grant of recognition and/or of affiliation in accordance with the Circular dated 18th of October, 1976 expeditiously following the order passed Saraswati Vilas Sanskrit Mahavidyalaya, Shokhara, Barauni’s case (supra) in which the appellants were the parties.”

If there is a Division Bench decision of this Court on the issue, the Court finds no reason to assume why the State of Bihar will not act accordingly, in terms of what has been decided by the Division Bench as noticed above.

In the facts and circumstances of the case, I dispose of these writ applications with the only observation that the respondents, while considering the cases of these petitioner(s) for grant of approval of affiliation shall keep in mind the Division Bench decision rendered in case of ***Jag Jivan Abhyuday Sanskrit Mahavidyalaya and Another Vs. Kameshwar Singh Darbhanga University and Ors*** (supra), if the same is applicable in case of these petitioner(s).

(Chakradhari Sharan Singh, J)

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