

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24370 of 2018

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Jagdanand Songveda Sanskrit Mahavidyalaya, Balha, Pariharpur, P.O.-
Pariharpur, District-Madhubani through its Principal, Sri Kedarnath Jha, Son
of Sri Manikant Jha.

... .. Petitioner

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.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha
For the Respondent/s	:	Mr. Umesh Narayan Dubey, AC to GP-27
For the University	:	Mr. Awadhesh Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-12-2018 This writ application has been filed seeking following
relief:-

**“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 petitioner has is that his case for grant of affiliation is going to be considered in the light of Regulation dated 19.04.1986. It is his case that this Sanskrit College was established prior to 19.04.1986 and, therefore, it is 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 this writ application with the only observation that the respondents, while considering the cases of this petitioner 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.

The writ application stands disposed of.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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