

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15983 of 2017

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1. Bhiku Pragyaadeep and Anr Son of Late Bindeshwari Prasad, Secretary, Governing Body of Shakyamuni College, Bodh Gaya and Resi
 2. Dr. Arvind Kumar Tiwary, Son of Jagdanand Brahmchari Trustee and Principal of Shakyamuni College, Bodh Gaya, Resident of South Central Jail, Gaya, District-Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Smt. B. Singh - Sc28

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Petitioners have filed the present writ application for a
direction to the respondents to declare the status of the
institution as minority institution.

The Parliament has enacted National Commission for
Minority Education Institutions Act, 2004.

Clause 2(g) of the aforesaid Act defines minority
institution which reads as follows:-

**“(g) “Minority Educational Institution”
means a college or an educational institution
established and administered by a minority or**



minorities.”

Chapter 4 of the Act talks about certain powers of the Commission.

Section 11(4) is clear declaration that this Minority Commission shall decide all questions relating to status of any educational institution and declare its status as minority institution.

Learned counsel for the petitioner has drawn attention of this Court at Annexure-8 the letter of the minority Commission addressed to the Principal of the College declaring status of the college as minority one and certificate to that effect was issued on 2.9.2008.

In view of the above, the writ petition is disposed of with direction to the State to grant minority status of the institution in question in the light of Annexure-8 at the earliest preferably within a period of sixty days from the date of receipt/production of a copy of this order, failing which the institution shall be deemed to be minority institution and shall be entitled to all privileges as minority institution.

(Anil Kumar Upadhyay, J)

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