

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17230 of 2017

1. Tekari Mahila Mahavidyalaya, Gaya through Its Principal Sri Ramashish Prasad, resident of Village- Shahbazpur, Post- Office- Fatehpur Nepa, Police Station- Tekari, District- Gaya.
2. Ramashish Prasad, Son of Late Ramdeo Yadav, resident of Village- Shahbazpur, Post- Office- Fatehpur Nepa, Police Station- Tekari, District- Gaya. At present Principal, Mahila Mahavidyalaya, Tekari, Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Additional Secretary, Education Department, Government of Bihar, Patna.
5. The Special Secretary, Education Department, Government of Bihar, Patna.
6. The Deputy Secretary, Education Department, Government of Bihar, Patna.
7. The Director, Higher Education, Government of Bihar, Patna.
8. The Magadh University through its Registrar, Bodh Gaya, Gaya.
9. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
10. The Registrar, Magadh University, Bodh Gaya, Gaya.
11. The Examination Controller, Magadh University, Bodh Gaya, Gaya.
12. The Inspector of the College (Arts and Commerce), Magadh University, Bodh Gaya, Gaya.
13. The Inspector of the Colleges (Science), Magadh University, Bodh Gaya, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh Mr. Abdul Wadood
For the Respondent/s	:	Mr. Madhaw Prasad Yadav -Gp23
For the University	:	Mr. Ritesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioners and the respondents.



2. The petitioners are aggrieved by the grant of affiliation only for one academic session.

3. From perusal of the order as contained in Annexure-18 dated 13.06.2019, it appears that the State Government has granted affiliation to the institution for the academic session 2019-20.

4. Learned counsel for the petitioners submits that the Magadh University on consideration of the infrastructure and other facilities available in the institution has recommended the case for grant of permanent affiliation, but instead of granting permanent affiliation, the State Government granted affiliation for academic Session 2019-20 only. The order dated 13.06.2019 does not indicate what is the reason not granting permanent affiliation.

5. The State Government while exercising power under Section 21(2)(d) of the Bihar Universities Act is under obligation to take appropriate decision in accordance with law, if the institution fulfills the condition for grant of affiliation, the Court does not appreciate for grant of affiliation in piecemeal, as it is counter productive, firstly; it creates vested interest at various level in the decision making process and at the same time it has adversely affected the quality of education. If the



institution fulfills the condition, the institution must be granted affiliation on permanent basis and granting affiliation for one academic session , which is not the scheme in the Act, but in the State of Bihar it is the regular practice of the respondents to grant affiliation on piecemeal basis, so that the institution has to apply documents and the entire process of inspection, verification etc. are undertaken afresh and thereafter many process in making decision.

6. Considering the fact that the institution, in question, has been found fit for grant of affiliation, the respondents have to take appropriate decision with regard to grant of permanent affiliation to the institution, if the institution fulfills the criteria for grant of permanent affiliation, otherwise the State Government has to assign reason for not grant of permanent affiliation.

7. Accordingly, the writ application is disposed of with a direction to the Principal Secretary, Education Department to take appropriate decision and assign reason for not granting permanent affiliation, if the institution fulfills grant of permanent affiliation.

8. Necessary decision in this regard must be taken by the respondent Principal Secretary within a maximum period of



60 days from the date of receipt/production of a copy of this order.

9. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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