

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13312 of 2019

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Ramvilas Singh Ramdayal Ray College Saraypur, Raghopur, Vaishali through its Secretary Sanjay Kumar (Male), aged about 41 years, Son of Ram Dayal Ray, Resident of Village- Makkanpur, Jandaha, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
3. The Deputy Secretary to the Govt. Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
4. Babasaheb Bhimrao Ambedkar Bihar University Muzaffarpur through its Registrar.
5. The Vice Chancellor Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
6. The Registrar Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
7. The Examination Controller Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr.Madhaw Pd. Yadaw (Gp23)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The application for grant of affiliation to the institution in question was rejected by the respondents vide letter dated 18.2.2019, as contained in Annexure-1 on the ground that the institution does not possess the required area of land for grant of affiliation. The Deputy Secretary to the



Government communicated the decision of rejection of affiliation on the ground that total 5.05 acres of land was available out of which 3.05 acre land was on lease for 30 years and 2 acres of land was available on lease for 40 years. But as per the criteria the requirement is ownership and possession of the institution over the land.

Learned counsel for the petitioner submits that the action of the respondents rejecting the application despite availability of lands on lease is contrary to the letter of the State Government dated 26.03.2014 which indicates that if the lease is for a period of not less than 30 years then it may be taken as fulfillment of requirement of land for grant of affiliation.

Considering the letter of the State Government in the Education Department dated 26.03.2014, the writ petition is disposed of with a direction to the Education Department to consider the case of the petitioner afresh taking into consideration the letter of the Principal Secretary dated 26.03.2014. If the aforesaid letter is still holding the field, there is no reason to refuse the affiliation to the institution in question as the respondents while rejecting the application for affiliation has admitted the fact that 5.05 acres of land was available with the institution on lease for 30 years or more which is admitted



on the part of the respondents.

The rejection of the application for grant of affiliation appears to be in teeth of the letter dated 26.3.2014 of the Principal Secretary, Education Department, as contained in Annexure-14 and as such the Court is of the considered view that the respondents shall take a fresh decision notwithstanding the decision dated 18.2.2019, as contained in Annexure-1.

Necessary decision afresh may be taken by the respondents in the light of the letter dated 26.03.2014 issued by the Principal Secretary to the Government, Education Department within a period of 30 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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