

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9288 of 2019

Swatantrata Sangram Senani Godani Singh College, Arwal, P.S. and District Arwal through its Secretary Sahjanand Singh Male aged about 69 Years, Son of Late Ram Lekha Singh Resident of Village Makhdumpur Kabir, P.S. and District Arwal

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department , Govt. of Bihar, Patna
2. The Principal Secretary, Education Dept. Govt. of Bihar, Patna
3. The Deputy Secretary, Education Department, Govt. of Bihar, Patna
4. The Magadh University, Bodh Gaya, District Gaya through its Registrar
5. The Inspector of Colleges (Science) Magadh University, Bodh Gaya, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Mayanand Jha
For the Respondent/s	:	Mr. Amit Bhushan, AC to GP-17
For the University	:	Mr. Shivendra Kishor, Sr. Advocate
		Mr. Syed Firoz Raza, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 02-08-2019 Heard learned counsel for the petitioner and the respondents.

2. The petitioner is aggrieved by the order as contained in Annexure-12, whereby the claim of the petitioner for affiliation was rejected by the State Government in purported exercise of power under Section 21(2)(d) of the Bihar State Universities Act, 1976.

3. Learned counsel for the petitioner submits that the reasons assigned in the order, as contained in Annexure-12, are all vague. In fact, the petitioner institution fulfills the norms and



standard for grant of affiliation. The manner, in which the decision was taken by the respondents would indicate arbitrariness. He further submits that the petitioner institution was not given opportunity to explain, if there was any difficulty in accepting the recommendation of the University as to the terms and conditions prescribed for grant of affiliation. The Magadh University after verification of entire material available on record recommended the case of the petitioner for grant of affiliation. Unfortunately, neither any explanation was sought from the Magadh University nor the petitioner was granted opportunity to explain the doubt raised by the respondent State in taking decision. In view of the above, the impugned decision is misconceived. The petitioner institution has the necessary document to substantiate the claim of substantive compliance of the statutory requirement for affiliation.

4. Considering the aforesaid, the writ application is disposed of with a direction to the respondent Education Department to provide opportunity of hearing to the petitioner institution within a maximum period of 15 days from the date of receipt/production of a copy of this order.

5. In the event, the petitioner submits the necessary documents in compliance of the standard prescribed for grant of



affiliation, the Secretary of the Education Department is required to pass a fresh order in relation to grant of affiliation to the institution, in question.

6. The decision dated 26.03.2019 will not come in the way of the respondents in taking fresh decision for grant of affiliation.

7. The respondents have to take appropriate decision at the earliest preferably within a further period of 30 days so that the institution may not suffer adversely in the matter of admission of students in the current academic Session.

8. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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