

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17305 of 2018

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Admerit College Western Campus Son of Shri .N. Dwivedi Opposite
Maheshwar Kunj Apartment, East Boring Canal Road, P.S. - Buddha Colony,
District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, New Secretariat, Patna.
3. The Director, Education Department, New Secretariat, Patna.
4. Magadh University, Bodh Gaya through its Registrar.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. Patliputra University, Patna through its Registrar.
8. The Vice Chancellor, Patliputra University, Patna.
9. The Registrar, Patliputra University, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17421 of 2018

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M G M College, Kankarbag W/o Dr. P.P. Mishra, Resident of Jagat Narayan
Road, P.S. Kadam Kuan, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, New Secretariat, Patna.
3. The Director, Education Department, New Secretariat, Patna.
4. Magadh University, Bodh Gaya through its Registrar.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. Patliputra University, Patna through its Registrar.
8. The Vice Chancellor, Patliputra University, Patna.
9. The Registrar, Patliputra University, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17465 of 2018

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Cybotech Campus Son of Late N.P. Sharma, House No. 69, Gandhi Path,
Nehru Nagar, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, New Secretariat, Patna.
3. The Director, Education Department, New Secretariat, Patna.
4. Magadh University, Bodh Gaya through its Registrar.
7. Patliputra University, Patna through its Registrar.
8. The Vice Chancellor, Patliputra University, Patna.
9. The Registrar, Patliputra University, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17305 of 2018)

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Prabhakar Jha, G.P. 27
For Magadh University	:	Mr. Ritesh Kumar, Advocate
For Pataliputra University:		Dr. Anand Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 17421 of 2018)

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Arbind Kumar Singh, A.C. to G.P. 20
For Magadh University	:	Mr. Ritesh Kumar, Advocate
For Pataliputra University:		Dr. Anand Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 17465 of 2018)

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, A.C. to G.P.17
For Magadha University	:	Mr. Ritesh Kumar, Advocate
For Pataliputra University:		Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 05-07-2019 Heard learned counsel for the petitioner, learned
counsel for the respondent State, learned counsel for the
Magadha University and learned counsel appearing for the
Pataliputra University.

Learned counsel for the petitioner submits that the
only dispute in the present writ application is determination of



intake capacity of the institution. Since, the matter of intake was not decided earlier by the competent authority and as such the petitioner has approached this Court in C.W.J.C. No. 12492 of 2017 and analogous cases. The Writ Court, on consideration of various aspects, has directed the respondents to take appropriate decision within one month.

Learned counsel for the petitioner would submit that the matter of fixing intake was considered by the University and the Magadha University has already recommended the case of the petitioners' institute for determining intake capacity to the State Government, but the matter is pending at the level of State Government.

Considering the fact that the institution cannot be left without deciding the intake capacity as intake must be in consonance of the with the infrastructure and teaching facilities. If the intake is more than the infrastructure, then the quality of education would become farce. If the intake is less than the infrastructure, in that situation it would be again a case of wastage of infrastructure other facilities. But the indecisiveness on the part of the respondent in the matter of fixing the intake capacity of the institution is creating chaos in the academics. Therefore, fixation of intake by the State Government is quite



essential. Since the Magadh University was bifurcated and Pataliputra University has been created and now the institute in question falls under the jurisdiction of Pataliputra University, the decision as to intake shall bind the successor Pataliputra University.

Under the aforesaid circumstances, the Court directs the State Government to take appropriate decision determining the intake capacity of the institute in question at the earliest, preferably within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid direction to the State Government, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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