

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13378 of 2018

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The Governing Body Of Abdul Qaiyum Ansari College, Jehanabad through its Secretary Jahida Bano, W/o Md. Khalil Ansari, resident of Mohalla-Makhdumabad, P.S.- Tehanabad Town, District- Jehanabad. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
 2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Punaichak
 3. The Magadh University, Bodh Gaya Through Its Registrar
 4. The Vice-Chancellor, Magadh University, Bodh Gaya
 5. The Registrar, Magadh University, Bodh Gaya
 6. The Bihar School Examination Board, Budh Marg, Patna through its Chairman
 7. The Chairman, Bihar School Examination Board, Budh Marg, Patna
 8. The Inspector of Colleges (Arts and Commerce), Magadh University, Bodh Gaya. Respondent/s
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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
		Mr. Aslam Ansari, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha- Gp27
For the M U	:	Mr. Ritesh Kumar, Advocate
For BSEB	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 16-08-2019 Heard learned counsel for the petitioner and the respondents.

The College, in question, became non-functional for more than three years and as such the affiliation of the College, in question, lapsed.

Mr. Ritesh Kumar, learned counsel for the University submits that the University has no reservation so far as grant of affiliation is concerned, but the institution has to approach the



University in accordance with law and on filing such application the University will inspect the College to ascertain whether the College fulfills the standard for grant of affiliation.

So far as Bihar School Examination Board is concerned, it appears that the failure on the part of the petitioner in submitting the detail information and documents led the Examination Board to reject the claim.

Mr. Sunil Kumar Singh, learned counsel for the petitioner submits that the institution, in question, has furnished the required document for consideration of Bihar School Examination Board on 29.01.2019.

Mr. Manish Kumar, learned counsel for the Examination Board submits that there is no infirmity in the decision of the Board, as the Board rejected the claim of the petitioner for want of information required for taking appropriate decision. However, the Examination Board will consider the case, if the requisite information has been furnished, as claimed by the petitioner.

Mr. Prabhakar Jha, learned counsel for the State submits that unless the recommendation of the University reaches the State Government, there is no occasion for the State Government to take decision under Section 22(1)(d) of the Bihar Universities Act.



Considering the aforesaid, the writ application is disposed of with a direction to the petitioner to file fresh application before the University by depositing the inspection fee and thereafter the University will carry inspection and take appropriate decision with regard to grant of affiliation keeping in view of the fact that earlier the institution was enjoying the privilege of permanent affiliation.

So far as the Bihar School Examination Board is concerned, the Board is required to take fresh decision in the light of document furnished by the petitioner on 29.01.2019 at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order.

The Education Department, Government of Bihar is also required to consider the recommendation, if any, of the University in favour of the petitioner for grant of affiliation at the earliest on receipt of recommendation from the University.

It goes without saying that if any security money is lying with the University, the University shall consider the adjustment of the same at the time of taking appropriate decision.

(Anil Kumar Upadhyay, J)

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