

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12748 of 2019

1. Anant Prasad Sharma Mahavidyalya, Yogia, Buxar through its Principal Durgacharan Mishra aged about 31 years (Male), Son of Late Bihari lal Mishra, Village and P.O. - Yogia, District- Buxar.
2. Kariman Ojha Baigani Mahavidyalaya, Sahajauli Bhojpur through its Principal Parveen Kumar Ojha aged about 31 years (Male), Son of Shyam Nandan Ojha, village and P.O.- Sahjauli, P.s.- Shahpur, District Bhojpur, Ara.
3. Choudhary Charan Singh Evening Mahavidyalaya, Bhagirath Narwar, Rohtas through its Principal Shivmuni Prasad aged about 52 year (Male) Son of Late Bishwanath Singh, Village- Bhagetganj, P.O.- Khaudra, P.S.- Dinara District- Rohtas, Sasaram.
4. Ramanand Tiwari Mahila Mahavidyalaya Bihia Bhojpur through its Secretary Shashikant Pandey aged about 69 years (Male), Son of Late Jeonandan Pandey, At and P.O. - bihia, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Higher Education, Patna.
5. Veer Kuwar Singh University, Ara through its Registrar.
6. The Vice-Chancellor, Veer Kuwar Singh University, Ara.
7. The Registrar, Veer Kuwar Singh University, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Roy 1 (SC-13)
For the University	:	Mr. Rajesh Prasad Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioners and the State
as well as the University.

2. Mr. Sunil Kumar Singh, learned counsel for the
petitioners submits that Veer Kuwar Singh University, Ara has



considered the case for grant of affiliation to 36 Colleges and the University recommended the case for affiliation of all the 36 Colleges.

3. He submits that the recommendation was made by the University considering the time frame indicated for submission of the recommendation for consideration of the State Government, although the matter was not placed before the Senate. The recommendation reached the State Government without the recommendation of the Senate, although the Syndicate of the University has considered the case of all the 36 Colleges.

4. Mr. Rajesh Prasad Choudhary, learned counsel for the University submits that the recommendation was made in anticipation of the recommendation of the Senate and subsequently the Senate has also concurred with the recommendation of the Syndicate and took decision in favour of 36 Colleges for grant of affiliation. The State Government rejected the application for grant of affiliation to 36 Colleges notwithstanding the fact that favourable recommendation was made by the University for grant of affiliation to all the 36 Colleges. At the time of recommendation, the Syndicate of the University has concurred the decision of the affiliation



committee and subsequent thereto the Senate of the University has also concurred with the recommendation of the University for grant of affiliation to 36 Colleges, yet the respondent-State has rejected the case for grant of affiliation to all the 36 Colleges.

5. The State Government in the process of affiliation is not a post-office. The State authorities are required to consider the application for grant of affiliation objectively in terms of the Statute of the University and the guideline issued by the Hon'ble Chancellor of the Universities. The recommendation in the instant case was made by the University, but at the time of recommendation for certain reason the meeting of the Senate was not convened and as such in anticipation of approval of the Senate the University recommended the case of 36 Colleges for affiliation. The Deputy Secretary of the Education Department vide letter dated 30.04.2019 rejected the application for affiliation only on the ground that it was not supported by the decision of the Senate.

6. The recommendation was made in anticipation of the approval of the Senate and subsequently Senate has also approved and the decision of the Senate was communicated to the State Government before taking decision dated 30.04.2019.



7. Considering the aforesaid circumstance, the order as contained in Annexure-1 cannot sustain. It is accordingly quashed.

8. Since the decision was taken with regard to 36 Colleges identically circumstance, the authorities of the Education Department are directed to reconsider the case for grant of affiliation to all the 36 Colleges afresh in terms of the Statute and the Chancellor guidelines in view of the fact that subsequently the Senate of the University has recommended for grant of affiliation.

9. Necessary decision afresh in this regard must be taken by the State respondents within a maximum period of 30 days from the date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

