

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12188 of 2019

1. Jagdev Memorial College Sakri (Kudra), Kaimur, Bihar through its Principal Dr. Mahendra Kumar, aged about 57 years (Male), Son of Shri Ramnath Singh, Resident of Mohalla- Alfa Colony, Gaulakshni, Gali No.- 7, P.S.- Sasaram, District- Rohtas at Sasaram.
2. Awdhut Bhagwan Ram College Sasaram, Rohtas through its Secretary, Shri Surendra Singh, aged about 64 years (male), Son of Late Kasi Nath Singh, Resident of Mohalla- Company Sarai, P.S. Sasaram, District- Rohtas at Sasaram.
3. Swami Shivanand Jee Tirth College Sasaram, Rohtas through its Incharge Principal Vinod Shankar Pandey, aged about 56 years (Male), Son of Late Madan Pandey, Resident of Mohalla- Company Sarai, P.S.- Sasaram, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Chancellor, Universities of Bihar, Patna.
5. The Vice Chancellor, Veer Kunwar Singh University, Ara.
6. The Registrar, Veer Kunwar Singh University, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Adv. Mr. Satyam Shivam Sundaram, Adv.
For the State	:	Mr. Prabhakar Jha, GP-27 Mr. Shanker Kumar Thakur, Adv.
For the University	:	Mr. Rajesh Prasad Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-06-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State, as well as counsel appearing for the University.

Learned counsel for the petitioners would submit that without application of mind the Deputy Secretary, Education Department, Government of Bihar, has passed order rejecting



the claim of the petitioners for grant of affiliation vide order dated 30.04.2019. The application of 36 collages for grant of affiliation was recommended by the University. The case of all the 36 collages was rejected by the State Government on the ground that there was no recommendation of the Senate for grant of affiliation to the institutions.

Learned counsel for the petitioners submits that in the instant case, the recommendation of the Syndicate as well as Senate was in favour of the petitioners, yet without application of mind, the respondents have rejected the application for grant of affiliation. While deciding C.W.J.C. No. 12748 of 2019, this Court has taken note of the requirement of application of mind in decision making process and the Court allowed the writ application and the same order dated 30.04.2019 is under challenge in the present case also and as such the respondents may be directed to take fresh decision like C.W.J.C. No. 12748 of 2019 at the earliest so that the institution may not suffer adversely.

Considering the peculiar facts of the case, the Court directs the respondents to take fresh decision with regard to affiliation to the institution in question. While taking decision, the respondents have to see whether the recommendation of the University was supported by the decision of the Syndicate and



the Senate or not, and if there was decision of the Senate in favour of the institution, the respondent authorities in the Education Department are required to rectify their mistake and pass an appropriate order at the earliest preferably within a maximum period of 30 days from the date of receipt/production of a copy of this order.

The order dated 30.04.2019 contained in Annexure-1 is, accordingly, quashed.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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