

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12868 of 2019

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Dr. K. K. Mandal College Jagdishpur Bhojpur through its principal Choudhary Sudama Singh aged about 57 years, Son of Choudhary Jagdish Singh At and P.O. - Sonebarsa, P.s.- Nawanagar Via, Kesat, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar 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

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Appearance :

For the Petitioner/s	:	Mr. Ranvijay Singh, Advocate Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Jitendra Kumar Roy1, S.C. 13
For V.K.S. University	:	Mr. Arabind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State, as well as counsel appearing for the University.

The petitioner is aggrieved by the order dated 30.04.2019 passed by the Deputy Secretary in Education Department, whereby its application for grant of affiliation was rejected.

Learned counsel for the petitioner submit that the reason for rejection as indicated in the order is that the



recommendation of the Senate was not enclosed with the recommendation of the University.

Learned counsel for the University submits that the University recommended the case of the petitioner for grant of affiliation in anticipation of the approval of the Senate. The Senate of Veer Kuar Singh University has already recommended in favour of the petitioner institution for grant of affiliation. Notwithstanding the recommendation of the Senate, before taking decision the respondent authorities have acted in most arbitrary manner and without application of mind rejected the application for grant of affiliation only on the ground that the recommendation of the University was not supported by the decision of the Senate. Since the recommendation of the Senate was available before taking decision dated 30.04.2019, it was obligatory on the part of the respondents to consider the recommendation of the Senate before taking decision.

Considering the aforesaid, the order dated 30.04.2019 contained in Annexure 1 is quashed. The respondents are hereby directed to take fresh decision with regard to the grant of affiliation to the institution in question at the earliest preferably within a maximum period of 30 days from the date of receipt/production of a copy of this order so that the institution



may not suffer any prejudice.

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

(Anil Kumar Upadhyay, J)

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