

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13509 of 2019

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Maharishi Chavan Mahavidyalaya Chousa, Buxar, through its Principal its
Principal Uday Narayan Choubey, Son of Rangnath Choubey, Village and
P.O. Banarpur, P.S. Muffasil Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Deputy Secretary, Education Department, Government 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, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate Mr. Ranvijay Singh, Advocate Mr. Md. Azimuddin, Advocate
For the State	:	Mr. Madanjeet Kumar, G.P. 20
For V.K.S.U.	:	Mr. Arvind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State, as well as counsel
appearing for the University.

Learned counsel for the petitioner would submit that
without application of mind the Deputy Secretary, Education
Department, Government of Bihar, has passed order rejecting
the claim of the petitioner 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 petitioner submits that in the instant case, the recommendation of the Syndicate as well as Senate was in favour of the petitioner, 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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