

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13341 of 2019

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Lokmanya Bal Gangadhar Tilak College Buxar, through its Secretary Kapildeo Tiwary, Male, aged about 71 years, S/o Late Ramanand Tiwary, R/o Village-Madanji Ka Hata, Pakri, in front of L.G. Show Room, P.O.-G.P.O., District-Bhojpur at Ara

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashwini Kumar Rai, Advocate
For the V.K.S.U.	:	Mr. Arabind Nath Pandey, Advocate
For the Respondent/s	:	Mr. Hitesh Suman, A.C. to S.C. 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State, as well as counsel appearing for the University.

The issue raised in the present application is already decided in C.W.J.C. No. 12868 of 2018 vide order dated 27.06.2019.

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 colleges for grant of affiliation was recommended by the University. The case of all the 36 colleges 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. 12868 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, the same order dated 30.04.2019 is under challenge in the present case also and as such the respondents are directed to take fresh decision like C.W.J.C. No. 12868 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 is, accordingly, quashed.

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

(Anil Kumar Upadhyay, J)

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