

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13494 of 2019

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Lalganj College Lalganj, Vaishali through the Secretary of the Managing Committee namely Vidisha Shahi (Female), aged about 33 years, W/o Harshendra Kumar, Resident of Vaishali Honda, P.S.- Shri Krishna Puri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department (Higher Education), Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department (Higher Education), Govt. of Bihar, New Secretariat, Patna.
3. The Deputy Secretary, Education Department (Higher Education), Govt. of Bihar, New Secretariat, Patna.
4. The Director, Education Department (Higher Education), Govt. of Bihar, New Secretariat, Patna.
5. Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur through its Registrar.
6. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
7. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur
8. The Examination Controller, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Umesh Nr. Dubey, AC to GP-27
For the University	:	Mr. Zaki Haider, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the respondents.

Petitioner is aggrieved by the order passed by the
respondents contained in Memo No. 485 dated 01.03.2019.

Learned counsel for the petitioner would submit that



the respondents while passing Annexure-1 has not applied mind to the facts of the case. The order indicates that recommendation was with a condition but there is no reference what was the condition which was so crucial that non-compliance of those conditions was the basis for rejecting the application for grant of affiliation.

Mr. Arun Kumar, learned counsel for the petitioner with reference to Annexure-7 would submit that the inspecting team of the University suggested installation of CCTV, Bio-metric machine (attendance machine) etc. which is none of the requirement for grant of affiliation under the statute. The aforesaid condition was not as mandatory requirement but by way of suggestion for improvement in the system but the respondents while rejecting the application for affiliation has without application of mind passed the order.

Considering the condition indicated in recommendation and the order passed by the respondents contained in Annexure-1, the Court is of the view that the respondents have to reconsider the matter objectively at the touchstone of the University Act and the statutory provision for grant of affiliation.

Necessary fresh decision may be taken by the



respondents within a period of one month from today.

The order contained in Annexure-1 will not come in the way of respondents taking fresh decision. The fresh decision has to be taken within the parameters of the statutory requirement and on no other condition.

The writ petition stands allowed and disposed of on the line indicated herein above.

(Anil Kumar Upadhyay, J)

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