

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14097 of 2019

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Dandi Swami Sahjanand St. Binova College Simri, Buxar, through its In-charge Principal Indrasan Pradhan aged about 63 years (Male) son of Musafir Pradhan, resident of Village Ekauna, P.s. Simri, Distt.- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna
3. The Director, Higher Education, Govt. 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

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey
For the Respondent/s : Smt. Shilpa Singh (Ga12)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioner and the respondents.

2. The issue raised in the present writ application is no more res integra. This Court has occasion to decide the similar issue in C.W.J.C. No. 12818 of 2019. Noticing the arbitrariness in the decision of the respondents rejecting the affiliation on the ground that the recommendation of the University was not accompanied by the recommendation of the Senate of the University, the Court has considered the various aspect of the matter while deciding C.W.J.C. No. 12818 of 2019.

3. The Veer Kuwar Singh University recommended the case for grant of approval in anticipation of approval of the Senate. In February, 2019, the meeting of the Senate was



convened and the recommendation of the Senate was also forwarded to the State Government for appropriate decision, yet the respondents without application of mind decided the case of the petitioner institution on 30.04.2019 and rejected the affiliation on the ground that the Senate of the University has not recommended the case of the petitioner-institution, which is manifesting erroneous decision, as the Senate recommended the case of the institution and sent to the State Government in February, 2019 before taking decision on 30.04.2019, the Court in this case is of the considered view that the decision dated 30.04.2019 suffers from the vice of non-application of mind and as such the decision cannot sustain.

4. Accordingly, the decision dated 30.04.2019, as contained in Annexure-2 is hereby quashed. The respondents are hereby directed to take fresh decision at the earliest preferably within a maximum period of 30 days from the date of receipt/production of a copy of this order.

5. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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