

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14480 of 2019

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1. Catalyst Institute Of Management and Advance Global Excellence (CIMAGE), Commercial Plot No.5, Road No. 1A, Boring Road, District-Patna- 800001 through its Director Sri Neeraj Agrawal, Son of Sri Basant Agrawal, Resident of Flat No. 701, Gangotri Apartment, Exhibition Road, P.S.- Gandhi Maidan, District- Patna- 800001.
 2. Neeraj Agrawal Son of Sri Basant Agrawal Director, Catalyst Institute of Management and Advance Global Excellence (CIMAGE), Resident of Flat No. 701, Gangotri Apartment, Exhibition Road, P.S.- Gandhi Maidan, District- Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
3. Director, Higher Education, Government of Bihar, Patna.
4. The Patliputra University, Patna, Old By-Pass Road, Kankarbagh, Patna-800020 through its Registrar.
5. The Vice Chancellor, Patliputra University, Patna, Old By-Pass Road, Kankarbagh, Patna- 800020.
6. The Registrar, Patliputra University, Patna, Old By-Pass Road, Kankarbagh, Patna- 800020.
7. The Vice Chancellor, Magadh University, Bodh-Gaya.
8. The Registrar, Magadh University, Bodh Gaya.

... .. Respondent/s

Appearance :

For the petitioner	:	Mr.Sandeep Kumar, Adv
		Mr. Binodanand Mishra, Adv
For the M.U.	:	Mr. Ritesh Kumar, Adv.
For the P.U.	:	Mr. Anand Kumar, Adv
For the Respondent/s	:	Mr.Jitendra Kr. Roy 1, SC-13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioners, learned

counsel for the State as well as learned counsel for the

University.

2. The issue of affiliation of the institution in question

is involved in the present application.

3. Prior to bifurcation of Magadh University, the



institution in question was within the territorial jurisdiction of Magadh University. After bifurcation, the institution falls in the territorial jurisdiction of the Patliputra University.

4. Grievance of the petitioners institution is non consideration of the case of the petitioners for grant of affiliation by the respondents Patliputra University and the State Government. In the process of affiliation, the applications are scrutinized at the level of the Statutory Affiliation Committee of the University, thereafter the applications are considered by the Syndicate and Senate of the University. After the recommendation of the Statutory Affiliation Committee including Senate and Syndicate, the applications are forwarded to the State Government and the State Government is finally required to take decision in terms of Section 22 (1)(D) of the Bihar statute.

5. Mr. Sandeep Kumar, learned counsel for the petitioner would submit that this institution has suffered immensely on account of indecisiveness of the respondent University. He submits that belatedly the Magadh University took decision in favour of the institution in question. The Syndicate as well as Senate of the Magadh University also approved the case of the petitioners institution for grant of affiliation. Now the institution is in the territorial jurisdiction of the Patliputra University.

ion needful is required to be done at



the level of the Patliputra University.

7. Dr. Anand Kumar, learned counsel appearing on behalf of the Patliputra University would submit that Patliputra University is helpless in the matter of taking decision because relevant record was not transmitted by the Magadh University. However, he admitted at the bar that the record was sent by the Magadh University and it is now lying with the High Court in pending contempt proceeding. He submits that academic session 2018-19 has expired and there is no application for grant of affiliation to the academic session 2019 onwards. He submits that there is no further application for grant of affiliation.

Affiliation to the Institutions are granted on the basis of infrastructure and other teaching facilities. The University is required to take appropriate decision on the claim made by the petitioner institution at the touchstone of University statute. So far as infrastructure is concerned it does not evaporate in this air particularly infrastructure like building, land and library, laboratory etc. Once the University examined claim for grant of affiliation the purpose of such process of scrutiny at the level of the University is to facilitate the State Government to take appropriate decision in terms of University Act and statutes and not to defeat the scheme framed for taking appropriate decision in terms of Section 22 (1)(d) of the Act which recognizes the scrutiny at two levels; First at the level of the University and secondly

government. The final decision is taken



by the State Government but the State Government can only take decision provided recommendation of the Universities reaches the State Government.

8. The problem of bifurcation and lack of support staff of the successor University is no ground not to discharge the statutory obligation under the University Act. The institution cannot be subjected to scrutiny time and again by one or the other University and to undertake the formality from the very initial stage. Dr. Anand Kumar pleads that the petitioners institution has not filed any fresh application for consideration of the case of petitioners institution for grant of affiliation for the academic session 2019-20 and 2020-21 does not impress this Court as petitioners cannot be made to suffer on account of dilly-dally or lapse of the Magadh University or its successor Patliputra University. The valuable right of the institution under the University Act statute cannot be defeated on the ground of that the academic session expired and the institution has not fled application for its next academic session 2020-21.

9. The Court in the peculiar facts of the case directs the Patliputra University to treat the application of the institution for grant of affiliation for the academic session 2018-19 application for current academic session and complete the entire process of scrutiny for academic session 2019-20. It is submitted at the bar on behalf of the petitioner that the inspection

out by the Patliputra University for



academic session 2019-20 on 7th July, 2019 if it is a fact then the Patliputra University is required to take appropriate decision in the matter of grant of affiliation to the institution in question for academic session 2019-20 and recommend the case if the case of the petitioner institution is found fit for grant of affiliation after taking necessary decision at the level of Statutory Affiliation Committee Syndicate and Senate within a fortnight from the date of receipt/production of a copy of this order and thereafter the State Government is required to take appropriate decision on the recommendation of the Patliputra University within a further period of 15 days.

10. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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