

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16265 of 2019

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Sri Ram Janki Swamy Sahjanand Saraswati Snatak Mahavidyalaya
Muzaffarpur through its Secretary namely Shambhu Prasad Singh (Male),
aged about-65 years, son of Late Kedar Prasad Singh, Resident of Mohalla
Rasalpur Gilani, P.S. Kazi Mohammadpur, Dist. Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna .
3. The Deputy Secretary, Education Department (Higher Education), Govt. of Bihar, Patna
4. The Director, Education Department (Higher Education), Govt. of Bihar, Patna
5. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur Through the Registrar.
6. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur
7. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur
8. The Examination Controller, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Amit Bhushan, AC to GP-17
For Respondent No.5	:	Mr. Indrajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner is aggrieved by the order as contained in Memo No. 353 dated 14.02.2019, whereby the application for grant of affiliation of the institution, in question, was rejected by the State Government on the ground that the institution does not



satisfy the condition of land for grant of affiliation.

Similar issue was considered by this Court in C.W.J.C. No. 3119 of 2019 on 19.07.2019. This Court has taken note of the absurdity in the approach of the respondents in rejecting the application for grant of affiliation on the ground that lease for 99 years is not appropriate.

Learned counsel for the petitioner submits that 10 acres of land is on lease for 99 years and 5 acres land are free hold land and in fact the petitioner institution has 15 acres of land, yet the respondents have taken decision rejecting the claim for affiliation.

It appears that there is non-application of mind by the respondents in rejecting the affiliation of the petitioner-institution.

Considering the decision dated 19.07.2019 passed in C.W.J.C. No. 3119 of 2019, the writ application is allowed. The order as contained in Memo No. 353 dated 14.02.2019 (Annexure-21) is hereby quashed. The respondents are directed to take appropriate decision afresh treating the lease land for a period of 99 years as substantive compliance for grant of affiliation.

The respondent Principal Secretary, Education



Department is directed to take appropriate decision afresh so that the institution may not suffer adversely in admitting the students in the present academic Session.

The writ application is allowed to the extent indicated above.

(Anil Kumar Upadhyay, J)

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