

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16336 of 2019

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Roy Birendra Singh College Kutubpur Kothi, Vaishali through its Secretary, Pawan Kumar (Male), aged about 55 years, son of Prashid Narayan Singh, Resident of Mohalla- Gandhi Ashram, P.O. Hajipur, P.S.-Hajipur, District-Vaishali

... .. 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. B.B. Prasad, AC to SC-13
For the University	:	Mr. Nikhil Kumar Agrawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioner and the respondents.

Similar issue involved in the present writ application was disposed of by this Court in case of **Lalganj College Lalganj Vs. The State of Bihar & Ors** (CWJC No. 13494 of 2019) wherein this Court has taken note of the objection taken by the State beyond the statutory requirement and suggestion



beyond the statutory scheme for improvement in the system cannot be a ground to deny affiliation.

This Court has occasion to decide the requirement as to compliance of suggestion beyond the statutory requirement and the Court on consideration of the entire material held out as follows:

“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.”

In view of the above, the present writ application is disposed of in the same terms. Accordingly, Annexure-1 is hereby quashed and the respondents are directed to take fresh decision strictly in accordance with the statutory requirement.

(Anil Kumar Upadhyay, J)

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