

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16387 of 2019

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Bhagwan Mahavir Mahavidyalay, Basokund, Saraiya, Muzaffarpur through its Secretary namely Rajendra Rai, Son of Ramlagan Rai, Resident of Goraul, Chehra Kalan Urf Mohammadpur, P.S. and District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
3. The Deputy Secretary to the Govt., Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
4. The Director, Human Resources Development Department, 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. Arvind Kumar Singh, AC to GP-20
For University	:	Mr. Nikhil Kumar Agrawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-08-2019 Heard learned counsel for the petitioner and the respondents.

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. 3119 of 2019 and this Court held out that 99 years lease cannot be regarded as non-compliance of requirement of land and as such the Court directed the



respondents to take appropriate decision afresh considering the fact that the petitioner's application was rejected only on the ground that the petitioner does not own free hold land, but lease hold land for a period of 99 years. The Court in the facts of the case does not find rationality behind the rejection of the claim of the petitioner institution for grant of affiliation.

Accordingly, the order as contained in Memo no. 604 dated 26.03.2019 is quashed. The matter is remitted to the Additional Chief Secretary-cum-Principal Secretary, Education Department, Government of Bihar to look into the fact that the petitioner has appropriate area of land and the lease is for a period of 99 years, which in the opinion of this Court is substantive compliance.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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