

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16554 of 2019

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1. Swatantrata Senani Shankarlal Agrwal Prabandhan Evm Takniki Mahavidyalaya Kiran Bhawan, Rajapur Pul, Boring Canal Road, Patna, District-Patna- 80001, through its Principal Sri Amit Kumar Shukla, Son of Dr. Gopal Shukla, House No. 172, Professor Colony, Near R.M. College, Hajipur- 844101
 2. Sri Amit Kumar Shukla, Son of Dr. Gopal Shukla, House No. 172, Professor Colony, Near R.M. College, Hajipur- 844101

... .. 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/s : Mr.Binodanand Mishra
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Petitioners have approached this Court for a
direction to the respondents for grant of affiliation.

Learned counsel appearing on behalf of the petitioners
would submit that the case of the petitioners is identical to the



case of International Business College Karmali Chak, Patna
City Patna which is quoted below for ready reference:-

“The petitioner has approached this Court for a direction to the respondents to consider his case for grant of affiliation.

Earlier this Court had directed the respondents to take appropriate decision with regard to grant of affiliation. At the relevant time the institution in question was falling under the territorial jurisdiction of the Magadh University. The Magadh University after scrutiny of the application for grant of affiliation, recommended the case in favour of the petitioner-institution. However, instead of sending the recommendation to the State Government, the Magadh University decided to send the recommendation to the Hon’ble Chancellor in view of the subsequent development and creation of Patliputra University on bifurcation. Now the institution in question falls under the territorial jurisdiction of the Patliputra University. After the direction of this Court, the Magadh University sent the relevant documents and recommendation to the State Government but the recommendation with regard to grant of affiliation for academic sessions 2018-19 reached the State Government belatedly i.e. after one year and as such the respondents have decided to reject the application for grant of affiliation on the ground that the application for



grant of affiliation for the academic session 2018-19 reached the State Government after delay of 12 months and as such there was no purpose for taking decision for grant of affiliation for the academic session which has lapsed. The aforesaid decision has been challenged by way of filing I.A. No. 1/2019.

Unfortunately, in the process of decision making the University and the State Government consume inordinate time and on account of lack of prompt action the applications are rejected finally on the ground that the recommendation for affiliation reached belatedly and as such the Court is flooded with the writ petitions for direction to the respondents to consider grant of affiliation. Most of the applications are rejected on the ground that applications reached the State Government beyond the prescribed time i.e. after expiry of the time. Instead of adopting pragmatic approach with the peculiar fact situation on account of lack of co-ordination between the University and the State and delay in decision making process respondents use to reject the applications on the ground that the application reached the respondents after the cut off date.

Since the application of the petitioner for grant of affiliation for academic sessions 2018-19 reached the respondent-authorities after expiry of the academic session, the Court is unable to issue any direction to the respondents to grant



any indulgence in the matter of academic session which has expired. However, in the peculiar facts and circumstances, the Court directs the respondent-State to take appropriate decision with regard to grant of affiliation for next academic session 2019-20 on the basis of the materials made available by the erstwhile Magadh University. The decision in the matter of affiliation to the institution by the State Government shall govern the successor Patliputra University.

Considering the peculiar facts of the case, the Court directs the State Government to take appropriate decision within a period of 30 days from the date of receipt/production of a copy of this order so that the institution may not suffer adversely on account of delay in taking decision by the State Government”.

Considering the decision in similar matters, the writ application is disposed of in terms of C.W.J.C. No. 5099 of 2019. However, successor University shall be entitled to realization of the requisite fee for grant of affiliation for the current academic session or subsequent session.

(Anil Kumar Upadhyay, J)

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