

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16591 of 2019

1. Catalyst College 2nd and 3rd Floor, Kulharia Complex, Ashok Rajpath, P.S. Peerbahore, Dist.Patna through its Director Sri Neeraj Agrawal, (Male), Aged about 39 Years, Son of Sri Basant Kumar Agrawal, Resident of Flat No.701, Gangotri Apartment, Exhibition Road, P.S. Gandhi Maidan, Dist.Patna
2. Sri Neeraj Agrawal, S/o Sri Basant Kumar Agrawal, Director, Catalyst College, Ashok Rajpath, Patna, Resident of Flat No.701, Gangotri Apartment, Exhibition Road, P.S. Gandhi Maidan, Dist.Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Human Resource Development Department Govt. of Bihar, Patna
3. Director, Higher Education, Govt. 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

3 30-08-2019 Since, in the order dated 16.08.2019, due to inadvertence, multiple typographical errors were found, the corrected order may be read as follows:

“Heard learned counsel for the petitioners and
the counsel appearing on behalf of the State.



Similar issue was considered by this Court in C.W.J.C. No. 5099 of 2019 vide order dated 01.07.2019. It is now well settled that petitioners institution cannot suffer for the lapse in Magadh University for sending the recommendation to the State Government as from the material available on the record, it appears that instead sending the recommendation of the State Government the Magadh University committed blunder in sending the recommendation to the Hon'ble Chancellor and that is the reason for delay in reaching the recommendation of the University for grant of affiliation to the institution, after the expiry of the period of prescribed, the recommendation of the University was sent to the State Government and as such petitioners cannot be made to suffer for the lapse of the University. Since, the academic Session 2018-19 has crossed no positive direction can be issued with regard to academic session 2018-19 and at the same time the Court cannot shut its eyes to gross injustice done to the petitioner's institution due to the lapse of the Magadh University, the Court in similar situation has directed the case of the petitioners in C.W.J.C. No. 5099 of 2019 for consideration of their case for academic



session 2019-20 on the basis of recommendation of Magadh University for academic session 2019-20. The decision in this regard of academic session 2019-20 has to be taken by the State Government at the earliest preferably within a period of 30 days from the date of receipt/production of a copy of this order. The decision of the State Government suffer for the lapse of the University as the University instead of sending recommendation to the State Government has sent the recommendation to the office of Chancellor and in this way the recommendation of the University reached the State government belatedly and due to delay State Government rejected the case of affiliation of the College. For academic session 2018-19.

Considering the aforesaid, the Court directs the State Government to take fresh decision to rectify the mistake of Magadh University for the next academic session 2019-20.

The objection of Dr. Anand Kumar with regard to academic session 2019-20 is totally misconceived as the issue relates to the lapse of Magadh University and for which the Magadh University is required to adopt



corrective measure. However, the decision ultimately taken on affiliation will bind the successor of Patliputra University. So far as academic session 2020-21 is concerned, petitioners have to approach the Patliputra University by submitting appropriate application for appropriate decision.

With the aforesaid, the present writ application stands disposed of.”

(Anil Kumar Upadhyay, J)

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