

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10803 of 2017

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1. Rupesh Kumar Sharma S/o Raj Kishore Sharma Resident of Village - Saidpur Rahimapur, P.S. Sonepur, District - Saran at Chapra.
 2. Manoj Kumar S/o Late Jeet Lal at present residing S.D.P.O. Road, Hajipur.
... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Additional Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Higher Education, Government of Bihar, Patna.
5. The Principal Secretary Science and Technology Department, Government of Bihar, Patna.
6. The Vice-Chancellor, Arya Bhatt Knowledge University, Patna.
7. All India Council for Technical Education through Member Secretary, Government of India New Delhi.
8. Dr. C.B. Raman University, Bhagwanpur, Vaishali through its President AISECT Scope Campus, NH - 12
9. The Chairman, Patna Sahib Technical Campus, Bhagwanpur, Vaishali, Bihar.
... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh
For the Respondent/s : Mr.Ashutosh Ranjan Pandey, AAG-15

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date: 01.02.2019

The present writ petition has been filed for directing the respondent nos. 1 to 4 to produce the letter of intent/permission granted to Dr. C.V. Raman University, Vaishali, Bihar and thereafter quash the same.

The learned counsel for the petitioners, referring to the writ petition, has submitted that Dr. C.V. Raman University has purchased a land but neither any building has been constructed nor any foundation of the said building has been laid and the premise from where the Patna Sahib Technical



campus is operating one Engineering College and one Polytechnic College has been shown to be in occupation of C.V. Raman University, Vaishali, Bihar. In such view of the matter, the learned counsel for the petitioners has submitted that Dr. C.V. Raman University is a fake university and it is trying to dupe, both the government as well as the people of Bihar.

Per contra, the learned counsel appearing for the respondent nos. 2 to 4 has submitted that Bihar Private Universities Act, 2013 was promulgated to provide for establishment and incorporation of private Universities in the State of Bihar, for imparting higher education and to regulate their functions and in the year 2017 amendment was made in Section 5 of the said Act, 2013 and it was provided that in case of availability of a temporary/lease building having constructed area of minimum 5000 sq. meter as well as upon fulfilling all other requirements and conditions, the State Government may allow to operate private Universities under Section 6 of the said Act, 2013. It has been submitted that in pursuance of Section 4 of the said Act, 2013 proposal and the project report was submitted by the all India Society for Electronics and Computer Technology for establishment of Dr. C.V. Raman University at Bhagwanpur in the district of Vaishali whereafter a Committee



was constituted by the State Government vide Notification dated 15.10.2014 for examination of the proposal. The said Committee submitted its report vide letter dated 09.03.2015 and it was found that the proposed University was fulfilling the requisite conditions whereafter it was decided to issue letter of intent for establishment of the said proposed University and in pursuance thereof the proposed University was directed to submit a compliance report which was submitted by a Three Men Committee constituted by the State Government which is dated 11.07.2017 and the Committee found that the proposed University fulfills all the conditions as per norms and accordingly, made recommendation in favour of the proposed University. It is further submitted that a complaint was filed by one of the writ petitioners herein leading to constitution of a Two Men Committee by the Education Department for enquiry and spot verification and the said Committee submitted its report vide Memo dated 24.11.2017 and the complaint was found to be without any substance and only then letter of intent has been issued in favour of the proposed University vide Notification dated 29.01.2018.

I have heard the learned counsel for the parties and perused the materials on record and at the very outset I find that



the petitioners do not have a locus standi to file the present writ petition inasmuch as firstly they have not disclosed their interest and details and secondly the persons who would be affected adversely are the only persons who have locus standi to approach this Court and the petitioners herein are not such persons.

Now coming to the merit of the case, this Court finds that the Additional Chief Secretary, Education Department, Government of Bihar, Patna has personally sworn an affidavit and laid fore the various details as also the enquiry reports showing compliance of the criteria laid down under the aforesaid Act, 2013 by the aforesaid proposed University, leading to grant of letter of intent to Dr. C.V. Raman University, to which no rejoinder affidavit has been filed in opposition by the petitioners herein which leads to the only conclusion that the said Dr. C.V. Raman University has been validly granted the letter of intent dated 29.01.2018 and the petitioners herein do not have any material to controvert the enquiry reports and other facts laid before this Court by way of counter affidavit and the interlocutory application filed on behalf of the respondent nos. 2 to 4, duly sworn by the Additional Chief Secretary, Education Department, Government of Bihar, Patna.



Having regard to the facts and circumstances of the case as also for the reasons discussed herein above, I do not find any merit in the present writ petition, accordingly the same is dismissed without any order as to costs.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	29.05.2019
Transmission Date	N/A

