

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25621 of 2019

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Ram Kishore Singh College, Dalmiya Nagar, P.O. & P.S. Dalmiya Nagar,
District Rohtas (Bihar) through the Principal Dr. Jawahar Singh, male, aged
about 62 years, son of Sri Budhdeo Singh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director Higher Education, Government of Bihar, Patna.
4. Veer Kuer Singh University Ara, District- Bhojpur (Bihar) through its
Registrar.
5. The Vice Chancellor, Veer Kuer Singh University, Ara, District- Bhojpur
(Bihar).
6. The Registrar, Veer Kuer Singh University, Ara, District- Bhojpur (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Raju Giri, Advocate
For the State	:	Mr. Prabhakar Jha, G.P.27
		Mr. Mukund Mohan Jha, A.C. to G.P.27
For the University	:	Mr. Rajesh Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 06-02-2020 Heard learned counsel for the petitioner, learned

counsel for the State as well as learned counsel appearing on

behalf of the University.

The petitioner in this writ petition seeks following
reliefs:

*“(i) To issue an appropriate writ/order/direction,
in the nature of Mandamus commanding the Veer Kuer Singh
University, Ara (hereinafter referred to as the “University”)
to immediately grant affiliation for B.A., B.Sc. & B.Com.
Honours Course for the Session 2019-2022 and 2020-2023,
pursuant to the Letter No.15/C2-421/2019 dated 22.10.2019
issued by the Education Department and on deposit of the*



Reserve Fund of Rs.8,30,000/- as directed by the University.

(ii) To issue an appropriate writ/order/direction, in the nature of Mandamus commanding the Respondent University to immediately facilitate admission of students in B.A., B.Sc. & B.Com. Honours Course in the Session 2019-2022 in the Petitioner College by including the name of the Petitioner College on its Portal, showing it to be Affiliated in the aforesaid Honours Course in the Session 2019-2022 as observed and directed by the Hon'ble Court vide Order dated 24.07.2019 passed in C.W.J.C. No.14928 of 2019.

(iii) To any other relief or reliefs for which the Petitioners are entitled to."

The petitioner college is affiliated with Veer Kuer Singh University, Ara since 1983. Permanent affiliation from the government and also from the University was granted to the college for B.A., B.Sc. and B.Com. Pass Course. For B.A., B.Sc. and B.Com. Honours Course, the State Government granted affiliation for the session 2019-2022 and 2020-2023. The University again undertook exercise for grant of permanent affiliation to the college to conduct Honours Course in B.A., B.Sc. and B.Com. in the year 2006. Inspection of the college was done and the proposal was placed before the Affiliation Committee, Syndicate and Senate. After decisions by all three bodies, having been satisfied, the Registrar of the University vide Memo No.269/GC/06 dated 12.05.2006 sent proposal to the Director, Human Resources Department, Higher Education, Bihar, Patna for grant of permanent affiliation for conducting



Honours Course. The Human Resources Development Department considered the case of permanent affiliation and the Deputy Secretary, Human Resources Development Department, Higher Education vide letter dated 30.09.2008 called for the entire records from the University (Annexure-8). Thereafter the University allowed the college to take admission in all the academic session for B.A., B.Sc. and B.Com. Pass Course and Honours Course. The college took admission till the year 2018 and the examination of Honours Course has been conducted by the University but without taking into consideration the facts, the Affiliation Committee of the University on its own rejected the proposal for affiliation and the decision was communicated to the petitioner vide Memo No.C/952/Estab./17 dated 08.06.2017 (Annexure-9). When the petitioner brought all these facts to the notice of the University, the University allowed the petitioner college to take admission in B.A., B.Sc. and B.Com. Honours Course along with Pass Course for the academic session 2017-18 and 2018-19 but for the academic session 2019-2022, the affiliation for only two days on the University portal was shown and on 18.06.2019, the affiliation for the Honours Course was removed from the University portal. The petitioner moved this Court in CWJC No.14928 of 2019 and



this Court by order dated 24.07.2019 directed the Additional Chief Secretary-cum-Principal Secretary, Education Department to look into the issue for grant of affiliation to the institution in question and pass appropriate order at the earliest within a period of 15 days from the date of receipt/production of a copy of this order so that the admission process may finally be decided for the current session. The Deputy Secretary, Human Resources Development Department, Government of Bihar by letter dated 22.10.2019 as contained in Memo No.15/C2-421/2019-2387 granted temporary affiliation for the academic session of 2019-22 and 2020-23 and directed the University to issue letter of affiliation after confirming the proceeding, verifying the status of laboratory and depositing the security money. In pursuance of the letter (Annexure-12), the Registrar, Veer Kuer Singh University, Ara vide letter dated 06.11.2019 directed the Principal of the petitioner college to do the needful. Immediately thereafter the petitioner deposited Rs.8,30,000/- but even then the affiliation letter was not issued. The petitioner thereafter moved this Court in the present writ petition.

The respondent University filed counter affidavit and stated that the Vice-Chancellor and the Registrar had no knowledge about issuance of letter dated 06.11.2019. The



Committee has been constituted to report about the status of laboratory. The Committee reported on 22.01.2020. Some shortcomings are found in the laboratory of the college. It is further stated that the admission portal of the University has been closed on 03.11.2019 itself.

The learned counsel for the University submits that since the college does not fulfill the criteria for affiliation, therefore, the letter of affiliation was not issued. A Division Bench of this Court in the case of Nitishwar Prasad Singh v. State of Bihar, reported in 2001 (2) PLJR 329 held that this Court cannot substitute the finding of the University and direct the University to grant approval but I find from the facts of the case itself that the University in the year 2006 recommended for grant of affiliation to the college to run B.A., B.Sc. and B.Com Honours Course. The University also allowed the petitioner college to take admission in the academic session of 2017-18 and 2018-19 but all of a sudden, the University removed the college from the affiliation list for running Honours Course for the academic session of 2019-22. Thereafter the petitioner brought all the facts to the notice of the college that the inspection was made and the Syndicate of the College found the college fit for running B.A., B.Sc. and B.Com. Honours Course



and only thereafter temporary affiliation was granted. Thereafter the petitioner filed CWJC No.14928 of 2019 and in pursuance of the direction issued by this Court, the Human Resources Development Department granted temporary affiliation to the college to run Honours Course for session 2019-22 and 2020-23 with a direction to the University to issue affiliation letter subject to deposit of security money and up-gradation of the laboratory. The Registrar of the University issued letter to the Principal on 06.11.2019 for deposit of the remaining security amount so that the letter of affiliation be issued and the petitioner deposited the remaining security amount on 06.11.2019 itself but the University thereafter sat over the matter compelling the petitioner to file this writ petition. The University came up with plea that the Vice-Chancellor and the Registrar of the University had no knowledge about the letter issued on 06.11.2019 (Annexure-14) but this excuse of the University does not appear to be convincing and reasonable. The University again constituted a Committee to inspect the facility of the laboratory available in the college. The Committee reported that the laboratory is existing but the same is not up to the standard and on that ground directed the college to upgrade the laboratory and withheld the issuance of letter of



affiliation. Although it is admitted fact that the Affiliation Committee, the Senate and the Syndicate of the University after required inspection recommended for grant of affiliation to the college for running Honours Course in different stream as the Pass Course was running from before in the college. Thus, I find that the University has illegally withheld the issuance of letter of affiliation to the college for running the Honours Course for academic session 2019-22 and 2020-23. Accordingly, the University is directed to issue letter of affiliation forthwith and open the admission portal for admission in the session 2019-2022 in B.A., B.Sc. and B.Com. Honours Course subject to the condition that the college shall fulfill and upgrade the laboratory within three months from the date of issuance of letter of affiliation.

Accordingly, the writ petition is allowed.

(Prabhat Kumar Jha, J)

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