

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18376 of 2021

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Suresh Prasad Singh, Son of Devnandan Singh, Ward-6, Chamtha Barkhut,
Chamtha, Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Patna.
2. The Director Secondary Education, Patna.
3. Bihar School Examination Board (Senior Secondary), Budha Marg, Patna through its Secretary.
4. The Chairman, Bihar School Examination Board (Senior Secondary), Budha Marg, Patna.
5. Lalit Narain Mithila University, Darbhanga through its Registrar.
6. The Vice-Chancellor, Lalit Narain Mithila University, Darbhanga.
7. The Registrar, Lalit Narain Mithila University, Darbhanga.
8. Prashant Kumar Singh, son of Binod Kumar Singh, Chamtha Barkhut, Chamtha, District-Begusarai.
9. Subodh Kumar Singh, fathers name not known, Chamtha, Barkhut, Chamtha, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 2 23-09-2022 1. Heard the parties through Video Conferencing.
2. This writ petition has been filed by one individual stating that he is the President of the Ugan Triveni College, Chamtha, Begusarai and prays that the University should be restrained from granting affiliation to respondent no. 8, as a Degree College showing the same land, building and infrastructure as that of the Ugan Triveni Intermediate College.



3. In the opinion of this Court, firstly, the petitioner, who is the President of another Intermediate College, has no locus to interfere with the Universities action relating to granting or rejecting affiliation matters of Degree College. Since, the petitioner is not concerned with the affairs of the University and is under the control of the Bihar School Examination Board being teaching up to Inter Classes, as per the Bihar School Examination Board Act, 2019. The claim of the petitioner being a Principal of the College is also not made out as after their coming into force 2019 Act, all the existing Colleges will have to be termed as Schools.

4. The relevant provision is as under:-

“2 (u) 'Senior Secondary School' means a school imparting education of courses up to Intermediate (+2) grade as prescribed by the Board, and includes institutions of Intermediate (+2) Education, duly affiliated by the Board;

19. Power to grant and withdraw affiliation. -

(1) The Board shall have the power to grant affiliation of Secondary and Senior Secondary Schools or any other school established or to be established by the non-governmental organizations or private persons on the basis of recommendation of the Committee of Affiliation constituted under section 20 of the Act and it shall have power to make regulations in this regard with the approval of the Department;

Provided that the Institutions of imparting education of intermediate (+2) standard deemed to have



been recognized under Section 39 of the institutions established and recognized or granted permission for establishment under Section 41 of the Bihar Intermediate Education Council Act, 1992 shall be deemed to have been affiliated with Board for the senior secondary examination.

Provided further that all such institutions of Intermediate (+2) Education shall reorganize and rename themselves as Senior Secondary Schools with facilities and teachers for imparting education at secondary stage and senior secondary stage as prescribed by the Regulations to be made by the Board in this regard, and within the time frame indicated in it: ”

5. The petitioner would otherwise also have no claim for challenging the affiliation of a Degree College in the same building, as there is no bar that the Degree College cannot be started in the same premises, wherein Intermediate College is existing.

6. Keeping in view thereto, the writ petition is found to be wholly frivolous and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 24

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