

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1376 of 2019**

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Kisan Degree College, Sisauna, Jokihat, Araria, through Ghanshyam Prasad Singh, S/o Late Puhup Lal Singh College, Resident of village- Bankora, P.S. Jokihat, Dist.-Araria. ... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director (Higher Education), Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, Bhupendra Narayan Mandal University, Lalu Nagar, Madepura
4. The Bhupendra Narayan Mandal University, Madhepura through its Registrar, Lalu Nagar Madhepura.

... .. Respondents

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**Appearance :**

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| For the Petitioner/s | : | Mr. Alok Kumar Sinha, Advocate<br>Mr. Bhola Kumar, Advocate<br>Mr. Navin Kumar Sinha, Advocate<br>Mr. Ravi Shankar, Advocate |
| For the Respondent/s | : | Mr. Madanjeet Kumar, GP-20                                                                                                   |
| For Resp No. 3 and 4 | : | Ms. Vandana Kishore, Advocate                                                                                                |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

9      12-09-2023                      Heard learned Senior Counsel for the petitioner,  
  
learned counsel for the Bhupendra Narayan Mandal University  
  
and learned counsel for the State.

2. No one appears for the Purnea University.

3. Initially, the writ application was filed for the  
following reliefs:-

“A. For issuance a writ in the nature of mandamus commanding the respondents concerned to grant approval/recognition to the Kisan Degree College, Sisauna, Jokihat at Araria in the terms of recommendation made by the Bhupendra Narayan Mandal University, Madhepura under the provisions of Section-21(2)(d) of the Bihar Universities Act, 1976 contained in Annexure-4.



B. For grant of any other relief/s which Your Lordships deem fit and proper in the facts and circumstances of the instant Case.”

4. Since during pendency of the writ application, the petitioner received a communication rejecting his proposal for approval/recommendation to the College in question, the said communication has been challenged vide I.A. No. 1 of 2019. The I.A. No. 1 of 2019 has been earlier allowed vide order dated 03.01.2023 and counter affidavit was called for to the amended writ application.

5. Learned Senior Counsel for the petitioner has taken this Court through the Inspection Report as contained in Annexure ‘1’ to the writ application and the recommendation of the University as contained in Memo No. 1187 of 2016 dated 01.02.2016 (Annexure ‘4’ to the writ application). It is submitted that the University had recommended for permanent affiliation to the College for four years from the academic year 2016-17 at the Graduation (Pass and Honors Level).

6. Referring to the Inspection Report (Annexure ‘1’), learned Senior Counsel submits that from the Inspection Report also, it would appear that the College in question had not taken admission after the Session 1987-95 because it was not affiliated. The Inspection Report recommended for affiliation



subject to fulfillment of certain conditions which would be evident from the note made at the bottom of the last paragraph of the Inspection Report.

7. It is submitted that on the face of the recommendations by the University, the Government is not justified in rejecting the proposal for grant of permanent affiliation to the College.

8. The writ application has been contested by learned counsel for the State. The Deputy Director, Higher Education, Patna has filed a counter affidavit. It is stated that the Inspection Report has recommended for temporary affiliation for three academic years from 2015-16 in Graduate Level (Pass and Honors) Education in Arts and Commerce subjects with certain conditions. The conditions mentioned in the Inspection Report are (i) increase in the number of building/rooms within two years from the date of grant of affiliation; (ii) library will be improved and upgraded within two years from the date of grant of affiliation; (iii) laboratories of the concerned subjects will also be upgraded by getting required apparatus within two years from the grant of affiliation; (iv) apparatus related with sports will further be improved; and (v) boundary wall be erected from all sides keeping in mind the security of the College.



**9.** It is stated that contrary to the recommendation for temporary affiliation in the Inspection Report, the respondent University had recommended for permanent affiliation for four academic years from 2016-17.

**10.** According to the counter affidavit, the total number of classes in the College is eight whereas the proposal for affiliation is for imparting education in at least 21 subjects which are named in paragraph '11' of the counter affidavit of Respondent No. 2. The submission is that these eight numbers of classrooms are not sufficient to conduct the graduate level course in the various subjects.

**11.** The stand of the State is that there cannot be a retrospective affiliation and if any fresh proposal is submitted, the same will be considered in accordance with law.

**12.** Having regard to the pleadings available on the record and the submissions of the parties, this Court is of the considered opinion that the impugned order rejecting the proposal for grant of permanent affiliation of the petitioner College does not suffer from any illegality or infirmity. The statements of Respondent No. 2 in the counter affidavit with regard to lack of infrastructure have not at all been denied by the petitioner.



**13.** This being the position, the writ application has no merit.

**14.** Learned Senior Counsel for the petitioner submits that now the infrastructure has been improved.

**15.** If it is so, the petitioner may take appropriate steps by way of fresh proposal for grant of affiliation. The respondent no. 2 has already submitted in its counter affidavit that if any fresh proposal is made, the same will be considered.

**16.** It is stated that now the College in question would fall within the jurisdiction of Purnea University. If it is so, the petitioner may take appropriate steps as may be advised to the petitioner with competent University.

**17.** This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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