

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5367 of 2023

Evening College, Kaushalaya Gram, Madhepura through its Lecturer Mantu Kumar aged about-35, Gender-Male, Son of Sri Dinesh Prasad Yadav, Resident of Ward No.2, Bhairapur, Belsarh, P.S. and District-Madhepura.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Adv. Mr. Bhola Kumar, Advocate Mr. Ashish Sinha, Advocate
For the State	:	Mr. Madhaw Pd. Yadav, GP-23 Ms. Meera Singh, AC to GP-23
For the University	:	Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner, learned counsel for the University and learned counsel for the State.

Petitioner is aggrieved by and dissatisfied with the communication as contained in memo no.1342 dated 06.08.2019 (Annexure- '4' to the writ application) whereby and whereunder the request of the college, namely, Evening College, Madhepura (the petitioner) for grant of temporary affiliation for the academic courses during the session 2018-19 has been rejected for the reason that the University had not made available the



required opinion in the light of Section 15(1) of the University Act with regard to running of the college during evening time.

Learned senior counsel for the petitioner is unable to satisfy this Court as to why this writ application be entertained as regards Annexure- '4' after a lapse of four years from the date of its communication to the petitioner.

Learned senior counsel, however, has drawn the attention of this Court towards the minutes of the meeting of the affiliation and new Teaching Programme Committee of the University as contained in Annexure- '5'. It is submitted that after issuance of Annexure- '4' some developments have taken place and the case of the petitioner-college has been considered by the said committee of the University, therefore, the petitioner may be granted liberty to pursue his remedy in the light of Annexure- '5' to the writ application.

Learned counsel for the University as well as the State are present and they have no objection to the petitioner's pursuing his remedy before the University.

Having regard to the aforementioned facts and circumstances as also the submissions, this Court is disposing of this writ application with liberty to the petitioner to pursue its remedy, if any, available to him through the University in the



light of Annexure- ‘5’ to the writ application.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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