

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8142 of 2023

Pt. Ujjwal Kumar Mishra Foundation College, Hajipur Vaishali. Through its Chairman Umesh Mishra aged about 67 years, son of Late Vedanand Mishra, Resident of village Dhanauti Marai Road, P.O. and P.S.- Hajipur, District-Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
3. The Deputy Secretary, Higher Education, Department of Education, Govt. of Bihar, New Secretariat, Patna.
4. The Director, Higher Education, Department of Education Govt. of Bihar, New Secretariat, Patna.
5. Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur through its Registrar.
6. The Vice Chancellor, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
7. The Registrar, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
8. The Examination Controller, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 8143 of 2023

Pt. Ujjwal Kumar Mishra Foundation College (Evening), Hajipur, Vaishali, through its Secretary Umesh Mishra aged about 67 Years, Son of Late Vedanand Mishra, Resident of Village- Dhanauti Marai Road, P.O. and P.S.- Hajipur, District-Vaishali.

... .. Petitioner

Versus

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2. The Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
3. The Deputy Secretary, Higher Education, Department of Education, Govt. of Bihar, New Secretariat Patna.
4. The Director, Higher Education, Department of Education, Govt. of Bihar, New Secretariat, Patna.
5. Baba Saheb Bhimrao Ambdekar Bihar University Muzaffarpur through its Registrar.



6. The Vice Chancellor, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
7. The Registrar, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
8. The Examination Controller, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 8142 of 2023)

For the Petitioner/s : Mr. Ujjwal Kumar Mishra, Advocate

For the Respondent/s : Mr. Madanjeet Kumar, GP-20

For the University : Mr. Indrajesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 8143 of 2023)

For the Petitioner/s : Mr. Ujjwal Kumar Mishra

For the Respondent/s : Mr. Madanjeet Kumar, GP-20

For the University : Mr. Indrajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 10-07-2023 **I.A. No. 1 of 2023**

Learned counsel for the petitioner submits that by virtue of the order dated 08.06.2023 passed by this Court, this interlocutory application has become infructuous.

In the aforesaid view of the matter, I.A. No. 1 of 2023 stands disposed of.

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Baba Saheb Bhimrao Ambedkar Bihar University (hereinafter referred to as the 'University').

These two writ applications have been filed seeking a direction to the respondent State Government to grant permanent affiliation to the petitioner under Section 21(2)(d) of



the Bihar University Act. A prayer has also been made to direct the respondent University to accept the registration and examination form for the Session 2022-2023 (1st Part examination) as the students were admitted in the college and have pursued their studies.

Both the writ applications were taken up for consideration on 07.06.2023 and 08.06.2023.

The order dated 08.06.2023 is quoted hereunder for a ready reference:-

“Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Baba Saheb Bhimrao Ambedkar Bihar University (hereinafter referred to as the ‘University’).

Dr. Rekha Kumari, the Director, Higher Education, Government of Bihar is present in person. She has explained to this Court the circumstances under which the recommendations sent by the University to the Department vide Letter Reference No. B/963 dated 10.06.2022 as contained in Annexure ‘5’ to the writ application could not be entertained.

The stand of the respondent Department is that as per the directions issued to all the Universities (except Patna University) in the State of Bihar vide Memo No. 1962 dated 15.09.2021, the recommendations were required to be uploaded on online portal of the Department.

It is submitted that in this case, no doubt, Annexure ‘3’ which was the first communication with regard to the recommendation was sent by the University



prior to issuance of the instructions (Annexure 'A' to the counter affidavit), subsequently in view of the instructions, the University was obliged to place the recommendation on the online portal which was not done.

Learned counsel for the University submits that presently, he has no instruction on this point, however, learned counsel submits that, in case, it has not been placed on the online portal, the University shall do the needful in this regard within a period of one week from today.

Dr. Rekha Kumari, the Director, Higher Education has given this Court to understand that on uploading of the recommendation on the online portal of the Department, the Department will take about two weeks' time in taking an appropriate decision thereon.

Dr. Rekha Kumari, the Director, Higher Education has further assured this Court that the online portal facility shall be open for uploading of the documents.

Considering the facts and circumstances in the entirety and on finding that during the given period as indicated hereinabove, the last date for filling up the application for registration and forms for examination is likely to expire on 13.06.2023 itself, this Court directs by way of an interim measure to the University to accept the application/examination forms of the students of the Pt. Ujjwal Kumar Mishra Foundation College Hajipur, Vaishali and Pt. Ujjwal Kumar Mishra Foundation College (Evening), Hajipur, Vaishali subject to final outcome of the writ application.

List this matter after summer vacation i.e. on 10th July, 2023 within top 10 cases.

Personal appearance of the Director, Higher Education stands dispensed with.”



Today, in course of hearing, learned counsel for the petitioner submits that after the order dated 08.06.2023 was passed by this Court, the petitioner was allowed to fill up the application for registration and forms for examination, however, the grievance of the petitioner is that the State respondents are sitting over the matter and they are not taking any decision with regard to grant of permanent affiliation to the petitioner.

This Court has been informed that the University has already sent its recommendation to the Government on 10.06.2023.

Learned counsel for the State as well as the University are present. Learned counsel for the State submits that presently he has no instruction on the status of the application of the petitioner and recommendation made by the University on 10.06.2023.

Having heard learned counsel for the petitioner, the University and the State, in the nature of the reliefs prayed by the petitioner and the developments which have taken place during pendency of the writ applications, this Court is disposing of both the writ applications with a direction to the Respondent Nos.1 to 4 to take an appropriate view of the matter, consider the application of the petitioner which is said to have been



recommended by the University on 10.06.2023 and
communicate their decision to the petitioner within a period of
two months from the date of receipt/production of a copy of this
order.

These writ applications are disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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