

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11135 of 2023

1. Sambadh Degree Mahavidyalaya Seva Sangh through its President Shambhu Nath Prasad Sinha aged about 57 years, Son of Shiv Ratan Singh, resident of 70 ft. Road No. Dashrath Pakari, Patna, presently posted as Principal Guru Sahay- Dev Sharan Memorial College- Harnaut, Nalanda.
2. Maharana Pratap College Mohaniya, District- Sasaram, Rohtas through its Principal Dr. Anil Kumar Singh, (Male) aged about 63 years S/o- Vijay Bahadur Singh, R/o- N/66 R-15 K Ganga Bihar Colony Samne Ghat, Varanasi, Uttar Pradesh.
3. Shahid Sanjay Singh Mahila Maha Vidyalaya Bhabhua, Kaimur, through its Principal, Tara Singh (Female) aged about 62 years, W/o- Krishkant Singh, R/o- Near Municipality Bhabhua, Ward No. 11, Kaimur.
4. Brahamarshi Sahajanand Saraswati College, Bachri, Piro through its Principal, Narad Muni Thakur (Male) aged about 63 years, S/o- Bashistha Thakur, R/o- S.B. Girls School, Pakri Gas Agency Road, Ara, Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
4. The Chancellor Universities of Bihar, through its Principal Secretary, Raj Bhawan, Patna.
5. The Vice Chancellor, Magadh University, Bodh Gaya.
6. The Vice Chancellor, Patliputra University, Patna.
7. The Vice Chancellor, Bir Kunwar Singh, University, Ara.
8. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
9. The Vice Chancellor, L.N. Mithila University, Darbhanga.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Jitendra Kr. Roy 1 (Sc13)
For the Magadh University	:	Mr. Sunit Kumar, Advocate
For the Chancellor	:	Mr. Rana Vikram Singh, Advocate
For the Patliputra University	:	Ms. Rasika, Advocate
For the BRA University	:	Mr. Viveka Nand Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the Universities.



2. Petitioner no. 1 in the present case is said to be a registered association of the affiliated degree colleges in the State of Bihar. List of those colleges whom petitioner no. 1 is presenting is not enclosed with the writ application.

3. So far as petitioner nos. 2 to 4 are concerned, they are some of the colleges who had joined as petitioners.

4. By filing this writ application, the petitioners are seeking a writ in the nature of Madamus commanding the respondent State and its authorities to fix the modalities regarding reimbursement of the fee of the students taking admission in different affiliated colleges as SC/ST candidates.

5. Learned counsel for the petitioners has drawn the attention of this Court towards the policy decision of the Government as contained in Resolution No. 15/M1-197/2014 whereunder it has been decided that for the general courses being conducted by the Universities and the affiliated/constituent colleges, the admission fee and other charges of a SC/ST student at the time of admission in Post-Graduation programme would not be charged. The Government has further decided that the monetary loss which a college/University may suffer because of non-charging of the admission fee and other charges at the time of admission would be calculated on actual basis in other academic session and after



such calculation, the said amount would be reimbursed by the Government in the next financial year.

6. Learned counsel submits that from Annexure '1' to the writ application, it would appear that in the same resolution, the Government declared that procedures required for purpose of reimbursement of funds/amount shall be determined by the Department separately. The grievance of the petitioners is that till date, the Government has not come out with the modalities and the procedures which are required to be followed in the matter of payment of reimbursable amount to the colleges/Universities by the Government in each of the financial year. By way of suggestion, learned counsel for the petitioners submits that it would have been in the fitness of things if the Government considers making payment of all such admission and other charges directly in the account of the students on the basis of the receipts which the colleges or the Universities may issue at the time of taking admission.

7. Learned counsel for the State as well as the Universities are present. Learned counsel for the State submits that these are the matters which are in the domain of a policy decision of the State Government and at this stage, the petitioners would have been well advised to pursue their



demand/remedy before the concerned Department.

8. This Court agrees with the submissions advanced on behalf of the State. The issues which are subject matters of the resolution contained in Annexure '1' are in the nature of a policy decision and it would only be just and proper for the Department of Education, Government of Bihar to look into the grievances/suggestions of the petitioners.

9. This Court, therefore, grants liberty to the petitioners to submit an appropriate representation before the respondent nos. 1 to 3 within a period of 30 days from today which will be considered by them within a reasonable period i.e. three months from the receipt of the representation. The concerned respondents shall take an appropriate decision in the matter.

10. This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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