

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10679 of 2023

Pt. Vedanand Umesh Mishra Ramjanki College Mahua, Vaishali through its Secretary Umesh Mishra aged about 67 years, son of Late Vedanand Mishra, Resident of Mohalla- 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. 10746 of 2023

Pt. Vedanand Umesh Mishra Ramjanki College (Evening) Mahua Vaishali. through its Secretary Umesh Mishra aged about 67 years, son of Late Vedanand Mishra, Resident of village Dhanauti, Madai 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

Appearance :

(In Civil Writ Jurisdiction Case No. 10679 of 2023)

For the Petitioner : Mr. Ujjwal Kumar Mishra, Advocate

For the State : Mr. Madhaw Prasad Yadaw, GP-23

Mr. Arvind Kumar, AC to GP-23

For the University : Mr. Viveka Nand Singh, Advocate

(In Civil Writ Jurisdiction Case No. 10746 of 2023)

For the Petitioner : Mr. Ujjwal Kumar Mishra, Advocate

For the State : Mr. Madhaw Prasad Yadaw, GP-23

Mr. Arvind Kumar, AC to GP-23

For the University : Mr. Viveka Nand Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the University in both the writ applications.

2. By filing these writ applications, the petitioners are seeking a writ in the nature of a Writ of Mandamus commanding the respondent State Government to consider their case for permanent affiliation under Section 21(2)(d) of the Bihar University Act, 1976.

3. In CWJC No. 10679 of 2023, it is the case of the petitioner that it is a degree college and it has applied for permanent affiliation in degree courses in different faculties and subjects.

4. It is submitted that respondent University after



scrutiny of the application, decided to inspect the college and accordingly on 19.07.2013, inspection was carried out by the Inspection Team. The Inspection Team recommended for grant of permanent affiliation to the college from the Session 2013-17 onwards. The case of the petitioner is that the various statutory bodies have also resolved that affiliation be granted to the petitioner college for the Session 2014-17 and accordingly vide Memo No. B/1976 dated 19.12.2015, it has been communicated to the Department of Education, Government of Bihar with a request to grant affiliation to the petitioner college in Degree Courses. It is submitted that the same process has been done for the Session 2014-17 and up to 2023-26.

5. Learned counsel for the petitioner submits that the University has already recommended the matter of affiliation of the petitioner college to the State Government for the Session 2021-24 and 2022-25 only vide Annexure '4' to the writ application. The grievance of the petitioner is that the University has accepted the registration/examination form of the students of the academic Session 2014-17, 2015-18, 2016-19, 2017-20, 2018-21, 2019-22 but refused to accept the same for the Session 2020-23. After the petitioner moved in CWJC No. 7067 of 2022, correctional letter for affiliation of the Session 2020-23



has been issued by the State Government vide Letter No. 782 dated 21.06.2022.

6. In CWJC No. 10746 of 2023, the grievance of the petitioner is of identical nature.

7. In the nature of the grievance raised by the petitioners, this Court finds that the respondent State and its authorities are required to act swiftly and within a time frame, failing which they are only multiplying the problems and several litigations have cropped up during this period.

8. Learned counsel for the petitioners has brought on record a copy of the reasoned judgment/order of this Court in CWJC No. 8142 of 2023 and CWJC No. 8143 of 2023. A prayer has been made to direct the State and its authorities as also the University to expedite the consideration of the request of the petitioner for permanent affiliation and take an appropriate decision thereon within a time frame.

9. Learned counsel for the State and the University submit that this Court may pass an appropriate order directing the respondents to consider the grievance of the petitioners within a reasonable time.

10. Having regard to the aforementioned facts and submissions, this Court directs the respondents particularly, the



State and its authorities (respondent nos. 1 to 5) to examine the grievance of the petitioners within a period of three months from the date of receipt/production of a copy of this order.

11. Both the writ applications stand disposed of.

(Rajeev Ranjan Prasad, J)

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