

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11120 of 2023

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Brahmdev Muni Udasin Sanskrit Mahavidyalay Subhash Chowk, Hazipur, Vaishali through its In Charge Principle namely Sudhakar Shukla, male, aged about 61 years, son of Punyadev Shukla, resident of Salaha, Pipra, Gobindganj, East Champaran 845419.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department Government of Bihar, New Secretariat, Patna.
3. The Joint Secretary to the Government, Education Department, Government of Bihar, New Secretariat, Patna.
4. The Deputy Secretary to the Government, Education Department, Government of Bihar, New Secretariat, Patna.
5. The Director, Higher Education Department, Government of Bihar, New Secretariat, Patna.
6. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga Through its Registrar.
7. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga..

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Dayal, Advocate
For the State	:	Mr.Mrigendra Kumar, AC to GP-20
For the University	:	Mr.Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-08-2023 Learned counsel for the petitioner submits that this case is covered by the judgment of this Court passed in CWJC No. 17283 of 2019 (Mahanth Shatanand Giri Harihar Sanskrit College Bodh Gaya vs. The State of Bihar and Others).

2. In Paragraph '17' of the writ application, the petitioner has specifically stated that the case of the petitioner-



College is exactly similar to and squarely covered with the case of Mahanth Shatanand Giri Harihar Sanskrit College Bodh Gaya, Goswami Madusudan Laxminath Sanskrit College Bangau, Saharsa and Nityanand Sanskrit College Amrut, Gaya.

3. Learned counsel has drawn the attention of this Court towards the Letter No. 462 of 2023 dated 20.04.2023 written by the Registrar, Kameshwar Singh Darbhanga Sanskrit University to the Director, Higher Education, Education Department, Government of Bihar in light of the order dated 03.12.2018 passed in MJC No. 1043 of 2020 arising out of CWJC No. 2048 of 2018.

4. It is submitted that despite the request made by the Registrar of the University to the Department of Education to grant temporary/ permanent affiliation to the petitioner and that an order be issued allowing the petitioner to fill up the vacant posts, the Department of Education is sitting over the matter and no decision has been taken as yet.

5. Learned counsel for the State as well as the Kameshwar Singh Darbhanga Sanskrit University are present.

6. Learned counsel for the State submits that the case of the petitioner is required to be examined in view of the specific statements made in Paragraph '17' of the writ



application.

7. Having regard to the kind of submissions and the materials placed before this Court, this Court is of the considered opinion that the Department of Education must consider the case of the petitioner keeping in view the Bihar Litigation Policy which has been framed only to reduce the burden of litigation upon the Court and the redressal of grievances of the persons whose cases would be covered by an adjudication already made by this Court.

7. Let the case of the petitioner be considered in the light of the order of this Court as contained in Annexure '7' and by taking into consideration the communication from the University as contained in Annexure '9' and an appropriate order be passed within a period of two months from the date of receipt/ production of a copy of this order.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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