

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19066 of 2019

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Anant Prasad Sharma Mahavidyalya, Yogia, Buxar through its Principal Durgacharan Mishra aged about 31 years (Male), Son of Late Bihari Lal Mishra, Village and P.O.-Yogia, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Higher Education, Patna.
5. Veer Kuwar Singh University, Ara through its Registrar.
6. The Vice-Chancellor, Veer Kuwar Singh University, Ara.
7. The Registrar, Veer Kuwar Singh University, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20427 of 2019

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Mauni Baba Jamuna Das Lakhrajo Devi Mahila College, vikramganj through its Principal namely Sangeeta Kumari, Female, aged about 37 years, W/o Dr. Amrendra Kumar Mishra, Resident of village Indrathkhoord, PS- Vikramganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary cum- Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Deputy Secretary to the Government, Department of Education, Govt. of Bihar, Patna.
4. The Director, Higher Education, Department of Education, Patna.
5. The Veer Kunwar Singh University, Ara through its Registrar.
6. The Registrar, Veer Kunwar Singh University, Ara.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20523 of 2019

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Mahavir Upadhyay Memorial Degree College, Dhaka, District- East Champaran through its Secretary, Saurabh Suman (male), aged about 26 years, son of Purnendu Bhardwaj, resident of Village and P.O. Karmawa, P.S. Dhaka, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Deputy Secretary, Education Department (Higher Education), Government of Bihar, Patna.
4. The Director, Education Department (Higher Education), Government of Bihar, Patna.
5. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur Through the Registrar.
6. The Vice-Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
8. The Examination Controller, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19066 of 2019)

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate.

For the State : Mr. Arnif Bhushan, AC to GP-17

For the Veer Kunwar

Singh University : Mr. Kinkar Kumar, Advocate.

(In Civil Writ Jurisdiction Case No. 20427 of 2019)

For the Petitioner/s : Mr. Bishnu Kant Dubey

Mr. Lalmani Sharma, Advocate.

For the Veer Kunwar

Singh University : Mr. Kinkar Kumar, Advocate.

For the State : Ms. Abhanjalli, AC to GA-12

(In Civil Writ Jurisdiction Case No. 20523 of 2019)

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the State : Mr. Narendra Kumar, AC to GP-20

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 22-11-2023

CWJC 19066 of 2019:-

Heard learned counsel for the parties concerned.



2. The petitioner college has approached this Court being aggrieved by the order vide letter No. 15/A3-16/2019-984 dated 30.4.2019 passed by the Deputy Secretary, Education Officer, Patna, by which the proposal of the college for grant of affiliation for the Session 2018-20 has been rejected by the Government on the ground that the petitioner college is not having required area of land as prescribed under the statute.

2. Learned counsel for the petitioner submits that earlier the proposal for grant of affiliation to the college for B.A. Pass Course and Honours for the Session 2018-21 was rejected by the Government on 30.4.2109 against which the petitioner approached this Court in CWJC No. 12748 of 2019 which was allowed and by order dated 22.6.2019 a Bench of this Court directed the Education Department to reconsider the case for grant of affiliation to the college of the petitioner and other similarly situated college in terms of the statute and the Chancellor's guidelines. Learned counsel further submits that the college is having ownership of 3.09 Acres of land as well as lease for more than 33 years of 2 acres of land. He next submits that as required by the statute, the required lease of land of 30 years is to be there for grant of affiliation to the college. He also submits that as per the statute, the requirement of total land for



grant of affiliation is 5 acres and the petitioner college is fulfilling the criteria inasmuch as there is ownership of 3 acres of land and two acres by way of long term registered lease.

3. Learned counsel for the State as well as University submits that now the session for which affiliation of the college was sought has now expired and affiliation cannot be granted with retrospective effect. As such, at the request of the petitioner for grant of affiliation can be considered by the University as well as the State Government for the upcoming session if the petitioner applies afresh in accordance with the procedure prescribed.

4. In view of the submission advanced by the counsel appearing for the State as well as the University and taking into consideration the fact that previous session 1918-21 has already expired, this writ application is disposed of with liberty to the petitioner to submit a fresh proposal before the University for grant of affiliation as per the prescribed rules/statute. If such request is made by the petitioner, the University/State shall be obliged to consider and dispose of the same in accordance with law as early as possible preferably within a period of three months.

CWJC 20427 of 2019:-



5. The petitioner college has approached this Court being aggrieved by the order vide letter No. 15/C2-354/2019-1961 dated 2.9.2019 passed by the Deputy Secretary, Education Officer, Patna, by which the proposal of the college for grant of affiliation for the Session 2019-20 has been rejected by the Government on the ground that the petitioner college is not having required area of land as prescribed under the statute.

6. Learned counsel for the petitioner submits that earlier the proposal for grant of affiliation to the college for B.A. Pass Course and Honours for the Session 2019-20 was rejected by the Government on 2.4.2019. Learned counsel further submits that CWJC No. 3119 of 2019 was allowed and by order dated 19.7.2019 a Bench of this Court directed the Education Department to reconsider the case for grant of affiliation to the college of other similarly situated college in terms of the statute and the Chancellor's guidelines. Learned counsel further submits that the college is having five acres of long term registered lease and also having the land of ownership. He next submits that as required by the statute, the required lease of land of 30 years is to be there for grant of affiliation to the college. He also submits that as per the statute, the requirement of total land for grant of affiliation is 5 acres and the petitioner college



is fulfilling the criteria.

7. Learned counsel for the State as well as University submits that now the session for which affiliation of the college was sought has now expired and affiliation cannot be granted with retrospective effect. As such, at the request of the petitioner for grant of affiliation can be considered by the University as well as the State Government for the upcoming session if the petitioner applies afresh in accordance with the procedure prescribed.

8. In view of the fact that the proposal for affiliation of the BA Pass Course and Honours for the Session 1920-21 has already been rejected by the Government on the ground that the petitioner college was not having the sufficient land or ownership/lease, learned counsel for the petitioner submits that the petitioner is having the required land of 5 acres of long terms registered lease basis and also having the land of ownership basis and, as such, the direction may be issued to the University as well as the State for considering the case of the petitioner as per the statute in accordance with law for grant of affiliation to the college for upcoming session in terms of the order passed by this Court in CWJC No. 19066 of 2019.

9. In view of the submission advanced by the



counsel appearing for the State as well as the University and taking into consideration previous session 2019-20 has already expired, this writ application is disposed of with liberty to the petitioner to submit a fresh proposal before the University for grant of affiliation as per the prescribed rules/statute. If such request is made by the petitioner, the University/State shall be obliged to consider and dispose of the same in accordance with law as early as possible preferably within a period of three months.

CWJC No. 20523 of 2019:-

10. The petitioner college has approached this Court being aggrieved by the order vide Memo No. 286 dated 7.2.2019 passed by the Deputy Secretary, Department of Education, by which the proposal of the college for grant of affiliation for the Session 2012-13 and 2019-20 have been rejected by the Government on the ground that the petitioner college is not having required area of land as prescribed under the statute.

11. Learned counsel for the petitioner submits that earlier the proposal for grant of affiliation to the college for B.A. Pass Course and Honours course for the Session 2012-13 and 2019-20 was rejected by the Government on 6.2.2019 against



which the petitioner approached this Court in CWJC No. 10023 of 2012 which was allowed and by order dated 24.8.2012 and a Bench of this Court directed the Education Department to reconsider the case for grant of affiliation to the college of the petitioner and other similarly situated college in terms of the statute and the Chancellor's guidelines. Learned counsel further submits that the college is having ownership of 10 Acres of land. He next submits that as required by the statute, the required lease of land of 30 years is to be there for grant of affiliation to the college. He also submits that as per the statute, the requirement of total land for grant of affiliation is 5 acres and the petitioner college is fulfilling the criteria.

12. Learned counsel for the State as well as University submits that now the session for which affiliation of the college was sought has now expired and affiliation cannot be granted with retrospective effect. As such, at the request of the petitioner for grant of affiliation can be considered by the University as well as the State Government for the upcoming session if the petitioner applies afresh in accordance with the procedure prescribed.

13. In view of the submission advanced by the



counsel appearing for the State as well as the University and taking into consideration the fact that previous session 2012-13 and 2019-20 have already been expired, this writ application is disposed of with liberty to the petitioner to submit a fresh proposal before the University/State for grant of affiliation as per the prescribed rules/statute. If such request is made by the petitioner, the University shall be obliged to consider and dispose of the same in accordance with law as early as possible preferably within a period of three months.

(Anil Kumar Sinha, J)

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