

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.40 of 2023

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Soghra College Bihar Sharif (Nalanda) through its Principal Mohammad Saghiruzzaman aged about 65 years, Son of Abul Hassan, Resident of Kagji Mohalla, Dargah Ka Vichali Gali, P.S.- Bihar Sharif, District- Nalanda.

... .. **Petitioner**

Versus

1. Bihar School Examination Board, Buddha Marg, Patna through its Secretary.
2. The Chairman, Bihar School Examination Board, Buddha Marg, Patna.
3. The Secretary, Bihar School Examination Board, Buddha Marg, Patna.
4. The Director (Academic), Bihar School Examination Board, Buddha Marg, Patna.
5. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Education Department, Govt. of Bihar, New Secretariate, Patna.
6. The Additional Chief Secretary-cum-Principal Secretary, Education Department, Govt. of Bihar, New Secretariate, Patna.

... .. **Respondents**

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Appearance :

For the Petitioner	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Subhash Chandra Mishra, SC-16
		Mr. Pramod Kumar Singh, AC to SC-16
For the BSEB	:	Mr. Sunil Kumar Mandal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-08-2023 Head learned counsel for the petitioner, learned counsel for the Bihar School Examination Board and learned counsel for the State.

2. Petitioner, in the present case, is seeking the following reliefs:-

“i. For issuance of an appropriate writ in the nature of certiorari for quashing the order as contained in letter number 2216/D-2022 dated 26th of August 2022 (Annexure – 9) as issued under the signature of the Director (Academic), Bihar School Examination Board, Patna by which the claim of the petitioner



Institution of having the status of Deemed to be Affiliated Institution with the Bihar School Examination Board has been rejected.

ii. For issuance of an appropriate writ in the nature of certiorari for quashing the letter number 1608/D-2022 dated 23rd of June 2022 (Annexure -4) as issued under the signature of the Director (Academic), Bihar School Examination Board Patna by which the authority has prohibited the Petitioner college from admitting students of Intermediate courses from Session 2022-24 and on wards till fresh Affiliation is obtained by the college.

iii. For issuance of an appropriate writ holding and declaring that the petitioner college does not require fresh Affiliation to be obtained from the Bihar School Examination Board as it has due Affiliation/recognition from the erstwhile Bihar Intermediate Education Council and has deemed Affiliation of the Bihar School Examination Board and as such seeking fresh Affiliation is not warranted in the eye of law.

iv. For any other relief/s for which the petitioner is entitled in the eye of law in the facts and circumstances of the case.”

3. Learned counsel for the petitioner made a submission yesterday that this case would be covered by the judgment of this Court passed on 13.07.2023 in C.W.J.C. No. 5347/2023 (*Syed Nehal Ahsan College, Barh Vs. The State of Bihar and Others*).

4. Mr. Sunil Kumar Mandal, learned counsel for the Bihar School Examination Board (in short the ‘Board’) prayed



for an adjournment to seek instruction. Today, learned counsel informed this Court that this case would be covered by the judgment in the case of *Syed Nehal Ahsan College (supra)*, hence, it may be disposed of in similar terms.

5. Having regard to the aforementioned developments, this Court is disposing of the present writ application in terms stated in the judgment dated 07.08.2023 passed in C.W.J.C. No. 14263 of 2022, save and except that in the present case altogether 980 students have been admitted out of which the details of 370 students have been uploaded on the portal of the Board.

6. In result, the order as contained in letter no. 1608/D-2022 issued by the Director (Education) of the Board (Annexure '4' to the writ application) and the order contained in letter no. 2216/D-2022 dated 26.08.2022 (Annexure '9' to the writ application) are set-aside.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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