

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21450 of 2019

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Lakshmi Devi Sachchidanand Singh Evening Degree College Krishna Nagar,
Madhuban, East Champaran through its Secretary, Arbind Kumar Singh,
Male, aged about 55 years, son of Sachidanand Singh, resident of village and
P.o.- Krishna Nagar, P.s.- Madhuban, Distt.- East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Education Department, Govt. of Bihar, Patna
3. The Deputy Secretary Education Department (Higher Education), Govt. of Bihar, Patna
4. The Director Education Department (Higher Education), Govt. 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

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh
For the Respondent/s	:	Mr. Shilpa Singh (Ga12)
	:	Ms. Namrata Singh (AC to GA-12)
For B.R.A. Bihar University	:	Mr. Anil Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 05-12-2023 1. Heard learned counsel for the parties concerned.
2. The petitioner college has approached this Court being aggrieved by the order vide Memo No. 304 dated 8.2.2019 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.

3. 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.

4. 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.

5. 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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