

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1599 of 2020

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Shri Niwas Sanskrit Mahavidyalaya Charitrawan, Buxar through its Principal Ram Kripal Rai, Male, aged about 65 Years, Son of Jwala Prasad Rai, Resident of Itava, Kajariya, District-Buxar.

... .. Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University Kameshwar Nagar, District-Darbhangha through its Registrar.
2. Vice Chancellor Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District-Darbhangha.
3. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District-Darbhangha.
4. The State of Bihar through Principal Secretary (Higher Education), Department of Education, Government of Bihar, Patna.
5. The Additional Secretary, Department of Education, Government of Bihar, Patna.
6. The Joint Secretary, Department of education, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha
For the Respondent/s	:	Mr. Subash Chandra Mishra (Sc16)
		Mr. Awadhesh Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 30-09-2024 Heard learned counsels for the parties.

2. The present writ application has been filed on behalf of the petitioner for the following reliefs:-

(i) For quashing the letter no.14/AF-06/2012-308 dated 08.03.2018 as sent by the O.S.D. (Judicial) vide letter no.927 dated 27.03.2018, issued under the signature of Additional Secretary (Respondent-5) and communicated to petitioner College by the Registrar of the K.S.D.S. University vide letter



no.824 dated 26.05.2018 whereby and whereunder the Government decision has been communicated to the effect that affiliation matter would be decided within one month from the date of receipt of proposal under statute letter no.1098 dated 19.04.1986 under Section 21(2) (d) of B.S. Universities Act absolutely contrary to decision of this Court dated 29.09.2016 passed in LPA No.1959 of 2015.

(ii) For quashing the letter no.1179 dated 25.04.2018 as communicated to petitioner college by the Registrar of the KSDS University vide letter no.932/18 dated 19.06.2018 whereby and whereunder the petitioner college has been directed to submit the proposal informate for affiliation in pursuant to statute dated 19.04.1986 which is not applicable to petitioner college.

(iii) For quashing the letter no.15M,1-175/2012-23 dated 06.01.2014 as communicated to petitioner college by the Registrar of the University vide letter no.718/2014 dated 03.02.2014 whereby and whereunder the approval of petitioner college has been rejected on the ground of non-considerable under statute as issued under letter no.1098 dated 19.04.1986, under Section 21(2)(d) of the Bihar State Universities Act.

(iv) For directing and commanding the respondents to accord approval of permanent affiliation to petitioner college on the basis of recommendation of the University under the provisions of 1976



Rules in the light of judgment of this Court dated 29.09.2016 passed in LPA No.1959 of 2015 as the petitioner college fulfills all the required conditions for affiliation under 1976 Rules, having been established much prior to the year 1986 and statute 1986 is not applicable to petitioner college.

(v) For issuance of direction to respondent university to allow the students of petitioner college at examinations as usual by admitting them in the college.

(vi) Any other relief or reliefs be granted to petitioner to which he is found entitled to be.

3. Considering the arguments advanced on behalf of the parties, I remit back the matter before the State Government for consideration of permanent affiliation of the petitioner college on the basis of circular dated 18.10.1976. The State Government shall also consider the order passed in LPA No.1959 of 2015.

4. Petitioner college is directed to file a fresh representation before the State Government within a period of four weeks, as the University has already sent recommendation for permanent affiliation of petitioner college and the State Government shall pass a reasoned and speaking order on the basis of circular dated 18.10.1976 and the order passed in LPA No.1959 of 2015.

5. The Annexure-3 of the writ application is hereby set aside.



6. With the aforesaid direction and observation, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

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