

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1521 of 2020

Shree Chandrika Das Sanskrit Mahavidyalaya Dhauri P.O. Bara Kharauni
District- Bhojpur through its Principal Sudhir Kumar Tiwari, Male, Aged
about 54 years, Son of Late Ramashish Tiwari, Resident of Ward No.3,
Bharauli, P.O.- Bharauli, District- Bhojpur.

... .. Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University Kameshwar Nagar,
District- Darbhanga through its Registrar.
2. Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University,
Kameshwar Nagar, Darbhanga, District- Darbhanga.
3. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar
Nagar, Darbhanga, District- Darbhanga.
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.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Adv.
For the State	:	Mr. Priyadarshi Matri Sharan, AC to AAG-15
For the University	:	Mr. Deepak Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the Universtiy.

2. By filing the present writ application, the petitioner has
prayed for the following reliefs:

*(i) For issuance of a writ in the nature
of Certiorari 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 and
communicated to petitioner College by*



the Registrar of K.S.D.S. University vide letter no. 824 dated 26.05.18, 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 29.9.2016 passed in LPA No. 1959 of 2015.

(ii) For issuance of further writ in the nature of Certiorari for quashing the letter no. 1179 dated 25.04.2018 as communicated to petitioner college by the Registrar of the K.S.D.S. University vide letter no. 932/18 dated 19.06.18, whereby and whereunder the petitioner college has been directed to submit the proposal informate for affiliation as per time schedule for approval of affiliation in pursuant to statute dated 19.04.1986 which is not applicable to petitioner college.

(iii) For issuance of a consequential writ in the nature of Mandamus directing and commanding the respondent nos. 4 to 5 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 L.P.A. No. 1959 of 2015 as the petitioner College fulfils 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.

(iv) For issuance of a direction(s) to the University to allow the College to admit the students and allow them to appear at examination as usual.

(v) For any other relief/reliefs for which the petitioner may be found to be entitled to.

3. The main grievance of the petitioner is that since the petitioner College was established in the year 1979 i.e. prior to 1986, the affiliation of the petitioner College is required to be approved by the Government under 1976 Rules, not under 1986 Rules/Statute as has been held by the Division Bench of this Court vide judgment dated 29.09.2016 passed in LPA No. 1959/2015 (Annexure-11).

4. The relevant portion of the judgment dated 20.09.2016 passed in LPA No. 1959 of 2015 is quoted below:

“The statute dated 19th April, 1986 would be



applicable to those institutions which come into existence after the issuance of the said circular. Such statute will not have retrospective effect to the institutions which were in existence prior thereto.”

5. A counter-affidavit has been filed on behalf of respondent nos. 4 & 5 stating therein that in view of the order dated 29.09.2016 passed in LPA No. 1959 of 2015, the University vide its letter no. 504 dated 03.05.2019 sent proposal along with inspection report to the State Government for approval of permanent affiliation to the College in question. Subsequently, the said proposal of the University has been considered by the State Government in view of 1976 Rules and accordingly, a check list has also been prepared regarding site inspection.

6. On perusal of the inspection report, it came to light that the College in question does not fulfil the condition no.2 and condition no.7 ‘*kha*’ and ‘*gha*’ as pointed out in the checklist and accordingly, the proposal of the University regarding permanent affiliation has been rejected by the State Government vide office order as contained in memo no. 1430 dated 03.07.2019 (Annexure-C) and the same has also been informed to the petitioner College.



7. In view of the facts mentioned in the counter affidavit filed on behalf of respondent nos. 4 & 5, this writ application has become infructuous.

8. Accordingly, this writ application stands disposed of as infructuous.

9. However, the petitioner College shall be at liberty to challenge the order contained in memo no. 1430 dated 03.07.2019 (Annexure-C) before the appropriate forum.

(Anjani Kumar Sharan, J)

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