

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1040 of 2020

1. Chandrika Pandey Sanskrit College Amadhi, P.S. Bhabhua District- Kaimur through Secretary of Goverining Body, Sri Komal Pandey, Male, Aged about 63 years, Son of Late Chandrika Pandey, Resident of Village- Amadhi, P.O.- Saintha P.s.- Bhabhua, District- Kaimur.
2. Janki Pandit Sri Mohan Lal Pathak Sanskrit College, Barwan, P.O.- Asawn, P.s.- Andar, District- Siwan through Dawanti Pathak, Aged Bout 53 years, Female, Wife of Late Mohan Lal Pathak, Secretary, Governing Body of the College.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)
Mr. Awadhesh Pd. Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

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

(i) For directing and commanding the respondents 1 to 3 to grant approval of affiliation to petitioners' colleges on the basis of recommendation of the University as the petitioners' colleges fulfill all the required conditions



for affiliation as provided under the Act and statute.

(ii) For issuance of direction to respondents 4 to 6 to extend the affiliation of petitioners' colleges and thereby to allow the students of petitioners' colleges and there by to allow the students of petitioners' colleges at examinations as usual as have been allowed till 2019 examination.

(iii) For issuance of declaration and holding that once petitioners' colleges have been duly inspected by a committee duly constituted by the University and colleges have submitted the required documents and information as sought for by the respondents, there appears no justification for not extending the affiliation by the University and not to grant approval of such affiliation by the Authorities of the State.

(iv) For issuance of appropriate direction to respondent university to allow the petitioners' colleges to take admission of students as usual from the current sessions because affiliation matter is either pending at the level of university or the State.

(v) Any other relief or reliefs be granted to petitioners to which they are 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 petitioners 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. Petitioners are directed to file a fresh representation be-



fore the State Government within a period of four weeks, as the University has already sent recommendation for permanent affiliation of petitioners' colleges 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-D of the counter affidavit filed on behalf of the respondent nos.2 and 3 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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