

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12602 of 2023

Evening College, Kaushalaya Gram Madhepura through its Principal, Dinesh Prasad, aged about 55 years, Gender-Male son of Bindeshwari Prasad Yadav, resident of Ward No. 2, Kaushalaya Gram, P.S. and District - Madhepura, at present Principal of Evening College, Kaushalaya Gram Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Joint Secretary, Higher Education Department, Government of Bihar, Patna.
3. The Director (Higher Education), Education Department, Government of Bihar, Patna.
4. The Bhupendra Narayan Mandal University, through its Registrar, Lalu Nagar, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Adv. Mr. Bhola Kumar, Adv. Mr. Ravi Shankar, Adv.
For the State	:	Mr. Narendra Kumar, AC to G.P.-20
For the University	:	Mr. Ritesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 04-07-2024

Heard learned senior counsel for the petitioner, learned counsel for the State and learned counsel for the University.

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 quashing the order dated 19.07.2023 passed by the respondent no.2 contained in Annexure-9 whereby the recognition of the Evening College, Kaushalya Gram, Madhepura has been declined on technical ground of non-



submission of recommendation of the University online.

(II) For commanding the respondent nos. 2 & 3 to grant permanent approval/recognition to the Evening College, Kaushalya Gram, Madhepura in the terms of recommendation made by the Bhupendra Narayan Mandal University, Madhepura under the Provisions of Section-21(2)(d) of the Bihar Universities Act, 1976.

(III) For grant of any other relief/reliefs for which the petitioner is found eligible to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that earlier the Principal of Evening College, Kaushalya Gram, Madhepura moved before this Court by filing a writ application vide C.W.J.C. No. 21906 of 2018 which was disposed of on 26.11.2018 by a co-ordinate Bench of this court directing the State Government to take a decision in accordance with law within a reasonable time, keeping in mind the schedule prescribed in the judgment and order dated 26.04.2018, passed in C.W.J.C. No. 4660 of 2017 (**Dr. Ram Pramod Thakur Vs. State of Bihar and Ors.**), but the aforesaid order of the Court was not complied by the State respondents. As the aforesaid order was not complied, a contempt petition vide MJC No. 2447 of 2019 was filed, which was disposed of on 29.06.2022 on the basis of show-cause reply filed by the State stating therein that



in compliance of the Court's order dated 26.11.2018 passed in CWJC No. 21906 of 2018, the communication as contained in memo no. 1342 dated 06.08.2019 has been issued.

4. Learned counsel further submits that the order dated 06.08.2019 has been challenged in CWJC No. 5367 of 2023 by the College through Mantu Kumar, a lecturer of the College and after hearing the same, this Court disposed of the application vide order dated 21.06.2023 observing therein that as the order dated 06.08.2019 has been challenged after a long delay, the same cannot be entertained. However, it is observed as the fresh resolution has been passed by the Affiliation and New Teaching Programme Committee of the University, the petitioner is granted liberty to pursue his remedy in the light of the aforesaid resolution.

5. Vide resolution dated 15.01.2023, the Affiliation and New Teaching Programme Committee of the University has taken a decision that the College is fulfilling the required criteria for grant of permanent recognition. The Academic Council of the University as well as the Syndicate of the University has also approved the affiliation of the College. The Senate of the University in its 23rd meeting dated 17.02.2023 has also recommended for approval of the College.



6. It is further submitted that the University has submitted the recommendations of Senate, Syndicate, Affiliation Committee and other Committees along with the entire documents, Inquiry report, the order passed by this Court in hard copy, but the respondent no.2 has not considered the same and declined to grant approval on the sole ground that the University has not submitted the same through online mode.

7. Learned counsel for the State submits that the University has not submitted the entire documents through online mode, therefore the claim of the college has been rejected.

8. From the aforesaid discussions, it appears that though the entire documents had been sent to the respondent nos. 2 & 3, but as the same has not been submitted through online mode, the respondent no.2 has not considered the same and declined to grant approval for affiliation of the College.

9. Considering the facts available on record and submissions of learned counsels for the parties, I deem it fit to dispose of the writ application quashing the order dated 19.07.2023 (Annexure-9 of the writ application). The petitioner is directed to file a detailed representation along with the entire documents through both online and offline mode before the



Director (Higher Education), Education Department, Government of Bihar, Patna (respondent no.3) within two weeks from the date of receipt/production of a copy of this order. The respondent no.3 is well advised to consider the representation of the petitioner and pass a reasoned and speaking order in accordance with law, keeping in mind the schedule prescribed in the judgment and order dated 26.04.2018, passed in C.W.J.C. No. 4660 of 2017 (***Dr. Ram Pramod Thakur Vs. State of Bihar and Ors.***) within a period of eight weeks from the date of receipt of the representation of the petitioner after affording an opportunity of hearing to the petitioner or his counsel.

10. It is made clear that the respondent no.3 shall be personally responsible for non-compliance of this order within the stipulated period.

11. With the aforesaid observation, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2024
Transmission Date	NA

