

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16165 of 2025

Sunaina Institute of Management and Science, Bypass Road, Lakhisarai District Lakhisarai, governed under a trust namely International Society for Moral and Academic Society of Lakhisarai through its trustee (Director) Mritunjay Kumar, aged about 46 years (Male), S/o- Ramsewak Mishra, R/o Mohalla-Dharmarai Chak, Ward No.7, P.O. and P.S.- Lakhisarai, District Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat Patna.
3. The Director, Higher Education, Govt. of Bihar, New Secretariat Patna.
4. The Vice Chancellor, Munger University, Munger.
5. The Registrar, Munger University, Munger.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent State:		Mr. Ravi Kumar, AC to GP-13
		Mr. Akshay Lal Prasad, AC to GP-13
For the Munger University:		Dr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-11-2025 Heard the parties.

2. The petitioner is an Institute has approached this Court through its Director seeking following relief (s):

“(i) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent No.3 to grant affiliation for running of B.B.A. and B.C.A Course for the session 2025-26 with intake of 120 students in each course in view of law laid down by the Hon'ble



Supreme Court in Civil Appeal No. 1145 of 2004 judgment dated 25.04.2013 by which it has held that in case All India Council for Technical Education (hereinafter AICTE) has granted approval for running of B.B.A. and B.C.A Course then the University has not to seek approval by the State for granting affiliation of any institute, as the Institute in question has already granted approval for running, BBA and BCA courses after inspection conducted by AICTE for the session 2024-25 and 2025-26, Session -2024-25 has lapsed by the respondent -University on pretext of taking approval by the State Govt. and now session 26 is going to lapse on the same pretext.

(ii) For issuance of any other relief/reliefs which is essential in the eye of law in the facts and circumstances of this case as well as for interest of justice.”

3. Learned Advocate for the petitioner submitted that despite all the formalities having been completed, till date the State Government has not taken a decision for grant of approval for affiliation.

4. A counter affidavit has been filed on behalf of respondents No. 1, 2 and 3 with a categorical averment that during the course of consideration of proposal by the State Government, it was found that the University has sent proposal without approval of the Senate of the University in terms of



Section 21(2)(d) of the Bihar State Universities Act; 1976, which mandates that the proposal for grant of affiliation must be approved by the Senate. In view thereof, the Education Department vide its letter No. 1202 dated 19.08.2025 requested the Registrar of the University to send proposal of the petitioner Institute after getting approval of the Senate of the University. In response thereto, the University vide its letter No. 38 dated 06.10.2025 sent a fresh proposal, after getting approval of the Syndicate and Senate for approval of the State Government regarding grant of affiliation for the petitioner Institute for conducting BBA/BCA Course. It is finally contended that now the Education Department of the State Government has proceeded in the matter and appropriate decision will be taken shortly in accordance with law.

5. Considering the stand of the State, this Court deems it fit and proper to dispose of the writ petition with a direction to respondent No.3 to take a final decision in the matter regarding approval for grant of affiliation for the Institute in question for running UG level BBA/BCA faculties for the academic sessions 2025-29 and 2026-30 expeditiously, preferably within a period of four weeks from the date of receipt/production of a copy of this order.



6. The writ petition stands disposed of with the direction and observation as aforesaid.

(Harish Kumar, J)

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