

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8509 of 2025

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G.D. Mishra Institute of Higher Studies Mathia Gurudas, Lalganj Road, P.O.-
Sondhila, Buxar- 802103, through its Secretary, Pradeep Kumar Mishra,
Gender- Male, aged about 60 Years, Son of Late Ganesh Dutt Mishra,
Resident of Maurya Vihar Colony, Police Station- Phulwari Sharif in the
District of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Higher Education,
Government of Bihar, Patna.
2. The Secretary, Department of Higher Education, Government of Bihar,
Patna.
3. The Director, Department of Higher Education, Government of Bihar, Patna.
4. Veer Kunwar Singh University, Ara, 802301 (Bihar).
5. All India Council for Technical Education, through its Member Secretary,
Nelson Mandela Marg Vasant Kunj, New Delhi - 110070.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Dutt Mishra, Adv.
For the State	:	Mr. Prabhu Narayan Singh, AC to AG
For the V.K.S.U.	:	Mr. Bimal Kishor Singh, Adv. With Mr. Rajesh Prasad Chaudhary, Adv.
For the AICTE	:	Ms. Archana, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 08-01-2026

Heard the parties.

2. The petitioner-institute, through its Secretary,
has invoked the jurisdiction of this Court, seeking a direction
upon the respondents, especially respondent nos. 2 and 3, to
grant recognition in its favour for commencing B.B.A., B.C.A.
and B.Lib. courses from the academic session of 2025–26 and
further to direct the respondent-University to issue an affiliation



letter to conduct the aforesaid courses.

3. The short facts as narrated in the writ petition are relevant for consideration; the petitioner-institute had applied for affiliation for the afore-noted courses. On receipt of the application, the respondent-University constituted a three-member committee for physical inspection of the college. Accordingly, the committee inspected the institute and informed the Director, Department of Higher Education, Bihar, Patna, that before extending recognition, it is necessary for the institute to get approval from AICTE for vocational courses.

4. In the aforesaid premise, the petitioner-institute applied for approval of the courses from AICTE and, on being satisfied that the institute in question fulfilled all the requirements, the letter of approval was issued by AICTE in favor of the institute. The aforesaid letter was placed before the Registrar of the University and, accordingly, the Affiliation Committee of the University made a recommendation for 60 seats each for B.B.A. and B.C.A. courses to the petitioner-institute after getting a proper recommendation from the Syndicate and Senate of the University.

5. Notwithstanding the aforesaid fact, when the petitioner-institution had not been extended recognition, they



approached this Court by filing the present writ petition.

6. The learned Advocate for the petitioner submitted that during the pendency of the present writ petition, the respondent State authorities came out with letter no. 15/A 3-01/2024 dated 19.05.2025 issued under the signature of the Deputy Secretary, Department of Education, Government of Bihar, whereby the application for recognition of the aforesaid courses came to be rejected by the Government. Taking this Court through the afore-noted order, it is submitted that, besides the fact that the impugned order is wholly arbitrary, perverse and illegal, the same suffers from non-application of mind, inasmuch as the concerned respondent has not disclosed as to which requisite conditions are not being fulfilled by the petitioner-institution. In the impugned order, there is only a bald statement that the petitioner-institution does not fulfill the requirements as stipulated under letter no. 1140 dated 18.06.2014.

7. Taking this Court through letter no. 1140 dated 18.06.2014, the learned Advocate for the petitioner further contended that the said letter contains the guidelines prescribing the requirement with the terms and conditions to be maintained by the institution/college before getting recognition or approval



from the State and the University. Admittedly, after proper physical verification and approval from AICTE, the University has made recommendation in favor of the petitioner-institution for granting recognition. However, while turning down such recommendation, it has not been disclosed or even there is no whisper as to which requirement could not have been fulfilled by the petitioner-institution.

8. On the other hand, the learned Advocate for the State, referring to the counter-affidavit filed on behalf of respondents no. 1 and 3, contended that the impugned order categorically states that the petitioner-institution does not fulfill the requisite conditions as required under the letter no. 1140 dated 18.06.2014, and as such, the claim of the petitioner for recognition was turned down.

9. Upon hearing the learned Advocates for the respective parties, this Court primarily took note of the fact that there is no dispute with regard to the recommendation made by the University in favor of the petitioner-institution after proper physical verification, upon due approval of Syndicate and Senate. Once the recommendation has been made in favor of the petitioner-institution, the respondent-State is obliged to inform the petitioner as to which requirement is falling short of or not



being fulfilled by the petitioner-institution as prescribed in the guidelines contained in Letter No.1140 dated 18.06.2014, in absence of which the recognition could not have been granted. Failure to do so would make the order vulnerable to challenge being perverse, illegal and suffers from obvious non-application of mind.

10. On perusal of the impugned order, it is manifest there is no discussion, much less any reason, as to which of the requisites requirement(s), as noted in the guidelines attached to letter no. 1140 dated 18.06.2014, was not fulfilled by the petitioner- institution. The petitioner institution has every right to know the reason for disagreement, besides the requirement which has not been fulfilled by it, once the recommendation made by the Affiliation Committee of the University has been turned down.

11. The Court time and again underscored that absence of sound reason is not mere irregularity but patent illegality. The impugned order lacks reasons for rejection of the claim of the petitioner-institution for recognition, and as such, this Court is left with no option but to set aside the impugned order dated 19.05.2025 as contained in letter no.15/A 3-01/2024. Accordingly, the writ petition is hereby allowed. Interlocutory



Application No.1 of 2025 also stands allowed.

12. The matter is relegated to the Additional Chief Secretary, Department of Higher Education, Government of Bihar, Patna to pass a fresh order in the light of the recommendation made by the University as well as the approval granted by the AICTE, preferably within a period of eight weeks from the date of receipt/production of a copy of this order, in accordance with law. Needless to observe that if the petitioner-institution lacks any requirement for recognition, the order must disclose the same in specific terms.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.01.2026
Transmission Date	NA

