

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14439 of 2025

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Catalyst College, Plot no. C-16 (P) Patliputra Industrial Area, Patna-800013, through its Principal Neeraj Kumar Agarwal @ Neeraj Agarwal, Male, aged about 41 Years, Son of Basant Kumar Agarwal, Resident of Big Bazar, H.no. 701, Gangotri Apartment, Exhibition Road, VTC- Phulwari, P.O.- Patna GP, Sub District- Phulwari, District-Patna, 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
2. Secretary-Cum-Director, High Education, Education Department, Government of Bihar, Patna.
3. The Patliputra University through its Vice Chancellor, Old Bypass Road, Kankarbagh, Patna-800020, Bihar (India).
4. The Registrar, Patliputra University, Old Bypass Road, Kankarbagh, Patna-800020, Bihar (India).

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 14108 of 2025

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Catalyst Institute of Management and Advance Global Excellence commercial plot No. 5, road No. 1A, Boring Road, District- Patna, 800001, through its principal Nitish Kumar Rohatgi, Male, age about So Years, son of Sri Krishna Kumar Rohatgi, Resident of Flat No. 203, Keshav Apartment, Kannulal Road, P.S. Jakkanpur, District- Patna, 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
2. Secretary-cum- Director, High Education, Education Department, Government of Bihar, Patna.
3. The Patliputra University through its Vice Chancellor, Old bypass Road, Kankarbagh, Patna-800 020, Bihar (India).
4. The Registrar, Patlipurta University, Old bypass Road, Kankarbagh, Patna-800 020, Bihar (India).

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 14439 of 2025)

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Adv. Mr. Siddhartha Prasad, Adv. Ms. Venkatesh Kirti, Adv.
For the Respondent/s	:	Mr. K.P. Gupta, GP-10 Mr. Satya Vrat, AC to GP-10



For the PPU : Mr. Dr. Anand Kumar, Adv.
Md. Faiz Ahmad, Adv.
(In Civil Writ Jurisdiction Case No. 14108 of 2025)
For the Petitioner/s : Mr. Mrigank Mauli, Sr. Adv.
Mr. Siddarth Prasad, Adv.
Ms. Venkatesh Kirti, Adv.
For the Respondent/s : Mr. Government Pleader (11)
Mr. Dimpal Kumari, AC to GP-11
For the PPU : Mr. Dr. Anand Kumar, Adv.
Mr. Rabi Bhushan Prasad, Adv.
Md. Faiz Ahmad, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
CAV JUDGMENT

Date : 13-07-2026

C.W.J.C. No. No.14108 of 2025

Heard the parties.

2. The petitioner has filed this writ application for the grant of following reliefs:

“a.) For issuance of Writ in nature of Certiorari quashing the Corrigendum bearing Ref. No. R/PPU/946/25 dated 24.06.2025 where under Patliputra University has granted extension/ temporary Affiliation to Petitioner College and further reduces the seat from 240 to 120 for BCA Course contrary to the recommendation of Inspection Team constituted by University, Affiliation and New Teaching Program Committee dated 26.03.2025, Academic Council dated 28.03.2025 and Syndicate dated 29.03.2025 and Council of University (Senate) dated 03.04.2025 wherein Petitioner college has been recommend for permanent affiliation and enhancement of seat from 120 to 240 in BCA course.



b.) For issuance of Writ in nature of Mandamus directing the respondent University to grant Permanent Affiliation in terms of its Letter bearing Ref. No. INS/PPU/384/25 dated 14.06.2025 where under the Petitioner college was granted permanent affiliation on the recommendation of the Inspection Team constituted by the University, Affiliation and New Teaching Program Committee dated 26.03.2025, Academic Council dated 28.03.2025, Syndicate dated 29.03.2025 and Council of University (Senate) dated 03.04.2025.

c.) For issuance of Writ in nature of Mandamus directing the Respondent University to increase the seat of BCA Course from 120 to 240 as per the recommendation of by the Inspection Team constituted by University, Affiliation and New Teaching Program Committee dated 26.03.2025, Academic Council dated 28.03.2025, Syndicate dated 29.03.2025 and Council of University (Senate) dated 03.04.2025.

d.) For any other relief or reliefs which the petitioners may be found entitled to in the facts and circumstances of the case.”

3. The learned senior counsel for the petitioner submits that the petitioner is an affiliated college of Patliputra University imparting technical and professional education. The petitioner was initially affiliated with Magadh University, Bodh Gaya and, upon the establishment of Patliputra University, its affiliation stood



transferred to the respondent University. It is submitted that the petitioner was granted affiliation for one academic session in the years 2020 and 2021 and, thereafter, pursuant to Memo No. 2225 dated 28.07.2022 issued by the Education Department, Government of Bihar and Memo No. 2701/22 dated 24.11.2022 issued by the respondent University, the petitioner was granted affiliation for three academic sessions, namely 2022-23, 2023-24 and 2024-25. Copies of the said communications have been brought on record as Annexure P/1 (Series).

4. Learned senior counsel for the petitioner further submits that after fulfilling all the statutory requirements prescribed under the Bihar State University Act for grant of permanent affiliation, the petitioner submitted an application dated 29.11.2024 before the respondent University seeking permanent affiliation for the BBA, BCA and B.Sc.-IT courses and also prayed for enhancement of intake in the BCA course from 120 to 240 seats. The said application has been annexed as Annexure P/2.

5. It is submitted that upon receipt of the aforesaid application, the respondent University constituted an inspection team, which inspected the petitioner institution. The inspection report was thereafter placed before the 19th Affiliation and New Teaching Programme Committee (ANTPC) in its meeting held on



26.03.2025. Learned counsel submits that upon consideration of the inspection report, the ANTPC recommended grant of permanent affiliation to the petitioner institution and also approved enhancement of intake in the BCA course from 120 to 240 seats. The minutes of the said meeting have been annexed as Annexure-P/3. It is further submitted that the recommendation of the ANTPC was thereafter placed before the 16th Academic Council in its meeting dated 28.03.2025, which approved the proposal through Resolution No. 16.2, thereby accepting the recommendation for grant of permanent affiliation to the petitioner and enhancement of intake in the BCA course. The proceedings of the Academic Council have been brought on record as Annexure P/4.

6. Learned senior counsel further submits that the matter was thereafter considered by the 25th Meeting of the Syndicate held on 29.03.2025. The Syndicate approved the proposal of the ANTPC through Resolution No. 25:4. Although the Syndicate resolved that requests for permanent affiliation be re-examined and, if found in accordance with the Rules, forwarded to the State Government, the said proceedings have been annexed as Annexure P/5.



It is submitted that the decision of the Syndicate was subsequently placed before the 9th Meeting of the Senate held on 03.04.2025 under the Chairmanship of the Vice-Chancellor as authorized by the Hon'ble Chancellor. Learned counsel submits that the Senate modified the relevant portion of Resolution No. 25:4 by rejecting the proposal for re-examination and approved grant of permanent affiliation to the petitioner institution along with enhancement of intake in the BCA course from 120 to 240 seats. The proceedings of the Senate have been annexed as Annexure P/6.

7. Learned senior counsel for the petitioner submits that in pursuance of the aforesaid recommendations of the ANTPC, Academic Council, Syndicate and Senate, the respondent University issued Letter bearing Ref. No. INS/PPU/384/25 dated 14.06.2025 granting permanent affiliation to the petitioner institution with enhancement of intake in the BCA course from 120 to 240 seats and forwarded the matter to the State Government for final approval. The said communication has been brought on record as Annexure P/7.

It is further submitted that, however, the respondent Registrar of the University, by issuing Corrigendum bearing Ref. No. 946/25 dated 24.06.2025, withdrew the earlier decision and



changed the status of the petitioner institution from permanent affiliation to temporary affiliation. It is further submitted that the corrigendum also reduced the approved intake in the BCA course from 240 seats to 120 seats. According to the petitioner, the said corrigendum was issued without assigning any reason and contrary to the recommendations and resolutions of the statutory bodies of the University, namely the ANTPC, Academic Council, Syndicate and Senate. The corrigendum has been annexed as Annexure P/8.

8. Learned senior counsel submits that being aggrieved by the aforesaid action, the petitioner submitted a representation dated 21.07.2025 before the Vice-Chancellor requesting withdrawal of the corrigendum and restoration of the decision granting permanent affiliation in accordance with the recommendations of the statutory bodies. The said representation has been annexed as Annexure P/9. It is further submitted that during the pendency of the matter, the petitioner also applied before the All India Council for Technical Education (AICTE) for extension of recognition/approval for the academic session 2025-26. It is submitted that the AICTE, by Corrigendum dated 31.07.2025, approved an intake of 240 seats in the BCA course



and 120 seats in the BBA course. A copy of the said approval has been brought on record as Annexure P/10.

9. Learned senior counsel for the petitioner further submits that in view of the approval granted by the AICTE, the petitioner addressed representations dated 05.08.2025 to the Hon'ble Chancellor, the Vice-Chancellor of the respondent University and the Education Department requesting withdrawal of the corrigendum dated 24.06.2025 and restoration of the decision granting permanent affiliation. Copies of the said representations have been annexed as Annexure P/11 (Series). On the aforesaid factual foundation, learned senior counsel for the petitioner submits that the impugned corrigendum dated 24.06.2025 is wholly arbitrary, illegal and unsustainable in law, being contrary to the recommendations and resolutions of the statutory bodies constituted under the Bihar State University Act. It is contended that once the competent statutory bodies had recommended and approved grant of permanent affiliation and enhancement of intake, the respondent Registrar of the University had no authority in law to unilaterally issue the impugned corrigendum without assigning any reason or affording an opportunity of hearing to the petitioner. It is further submitted that the action of the respondent Registrar of the University is violative



of the principles of natural justice, suffers from arbitrariness, and infringes Articles 14 and 19(1)(g) of the Constitution of India. Accordingly, the petitioner seeks quashing of the corrigendum dated 24.06.2025 and consequential restoration of the decision granting permanent affiliation along with enhancement of intake in the BCA course.

10. Learned senior counsel for the petitioner further submits that during the pendency of the writ petition, the respondent Registrar of the University issued another Letter No. R/PPU/1476/25 dated 28.08.2025, whereby it recommended affiliation to the petitioner institution only for the academic session 2025-26, instead of granting permanent affiliation as recommended by the Inspection Team, ANTPC, Academic Council, Syndicate and Senate. Being aggrieved by the said subsequent development, the petitioner has preferred an interlocutory application bearing I.A. No.01 of 2025 seeking to challenge the aforesaid communication. A copy thereof has been brought on record as Annexure P/12.

11. Learned senior counsel further submits that the respondent Registrar of the University has erroneously proceeded on the premise that permanent affiliation cannot be granted in the absence of permanent recognition/approval from the AICTE. It is



contended that the AICTE does not grant permanent approval or recognition to technical institutions but only grants Extension of Approval (EoA) on an yearly basis in terms of the Approval Process Handbook. Consequently, the annual nature of AICTE approval cannot constitute a valid ground to deny permanent affiliation under the Bihar State Universities Act.

It is further submitted that the petitioner institution had already been found fit for grant of permanent affiliation by the Inspection Team, and the said recommendation was successively approved by the ANTPC (Annexure P/3), Academic Council (Annexure P/4), Syndicate (Annexure P/5) and Senate (Annexure P/6), pursuant to which the University itself issued Letter No. INS/PPU/384/25 dated 14.06.2025 granting permanent affiliation (Annexure P/7). It is contended that thereafter the respondent Registrar of the University lacked jurisdiction to dilute or alter the decision of the statutory bodies of the University by issuing a contrary communication.

12. Learned senior counsel further submits that the impugned actions are also in violation of Statute No. 29 of the Bihar State Universities Statutes, as the petitioner was neither assigned any reasons for denial of permanent affiliation nor afforded any opportunity of hearing before issuance of the



impugned communication. A copy of Statute No. 29 has been annexed as Annexure P/14. Accordingly, the petitioner seeks quashing of the corrigendum dated 24.06.2025 and consequential restoration of the decision granting permanent affiliation along with enhancement of intake in the BCA course. It is also submitted that Letter No. R/PPU/1476/25 dated 28.08.2025, restricting the petitioner's affiliation to the academic session 2025-26, is arbitrary, illegal and contrary to the recommendations of the statutory authorities of the University and, therefore, deserves to be quashed.

13. At this stage, it is relevant to point out that during the course of argument it was pointed out by learned Senior Counsel appearing for the petitioner that the grievance with regard to enhancement of intake in the BCA course from 120 to 240 seats has already been redressed, which is not disputed by the learned counsel appearing for the University. In such view of the matter, this Court refrains from discussing the submissions made by the parties on the issue of enhancement of seats.

14. *Per Contra*, learned counsel appearing on behalf of Respondent No. 1 & 2-State submits, at the outset, that the writ petition, as framed, does not seek any relief against the State Government. It is contended that although the petitioner had



submitted before this Court on 25.09.2025 that inaction on the part of the State authorities in granting approval for permanent affiliation had prejudicially affected the institution and prevented registration of students for the academic session 2025-26, no corresponding relief has been prayed against the State. It is, therefore, submitted that the stand taken by the petitioner during the course of hearing is inconsistent with the reliefs sought in the writ petition.

15. Learned counsel further submits that the Education Department, with a view to examining the grievance raised by the petitioner, issued Letter No. 2825 dated 22.07.2025 and Letter No. 3142 dated 02.09.2025 calling upon the Registrar of the respondent University to furnish a report regarding the issues raised in the present writ petition. Copies of the said communications have been brought on record as Annexure R/1 (Series).

It is further submitted that, in response thereto, the respondent University furnished its report vide Ref. No. R/PPU/1476/25 dated 28.08.2025. According to the said report, the petitioner institution had initially been granted approval by the AICTE for conducting the BCA and BBA courses with an intake of 120 seats each for the academic session 2025-26. It is stated



that, with effect from the academic session 2024-25, compliance with the norms prescribed by the AICTE for professional courses such as BBA and BCA is mandatory.

16. Learned counsel submits that the University further clarified that the AICTE, by its subsequent corrigendum dated 31.07.2025, enhanced the approved intake in the BCA course from 120 to 240 seats. Consequently, the University recommended grant of permanent affiliation to the petitioner institution for the B.Sc.-IT course with an intake of 120 seats from the academic session 2025-26 and also recommended grant of affiliation for the academic session 2025-26 in respect of the BCA and BBA courses in terms of Section 21(2)(d) of the Bihar State Universities Act, 1976. A copy of the University's report has been annexed as Annexure R/2.

Learned counsel for the Respondent no. 1 and 2, therefore, submits that the proposal/recommendation forwarded by the respondent University is under consideration before the Department and that an appropriate decision shall be taken thereon in accordance with law.

17. Learned counsel appearing on behalf of Respondent Nos. 3 and 4 (University), by way of supplementary counter affidavit, submits that under Section 21(2)(d) of the Bihar



State Universities Act, 1976, the University, after inspection and upon recommendations of the New Teaching Programme Committee, Academic Council, Syndicate and Senate, is required to forward the proposal for affiliation to the State Government, and affiliation can be granted only after approval by the State Government. It is further submitted that the petitioner institution proposes to impart professional courses, namely BBA and BCA, under the Self-Finance Scheme and that, although the Bihar State Universities Act does not contain any specific provision governing such courses, the State Government has issued guidelines prescribing the requisite infrastructure, faculty and other norms for grant of affiliation.

It is further submitted that till the academic session 2023-24, affiliation for such courses was granted in terms of the State Government guidelines after approval under Section 21(2) (d) of the Act. Thereafter, pursuant to the guidelines issued by the AICTE requiring approval for institutions imparting BBA, BCA and BBM courses, the Education Department, Government of Bihar, vide Letter No. 193 dated 12.01.2024, directed all Universities to ensure that AICTE approval is obtained before granting affiliation for such courses. It is, therefore, contended



that affiliation can be granted only in accordance with the approval granted by the AICTE.

18. Learned counsel further places reliance upon the judgment of the Division Bench of this Court in L.P.A. No. 1288 of 2018 (Arpana Kumar & Ors. vs. State of Bihar & Ors.), wherein it was observed that no admissions should be made without approval of affiliation by the State Government under Section 21(2)(d) of the Bihar State Universities Act. It is accordingly submitted that affiliation can be granted only for the academic session and intake approved by the AICTE.

19. Learned counsel for the University submits that the Academic Council, Syndicate and Senate had recommended grant of permanent affiliation to the petitioner institution and, accordingly, the University forwarded its proposal vide Letter No. 384 dated 14.06.2025. However, since the proposal was not in conformity with the intake approved by the AICTE, the Registrar of the University issued the modified communication dated 24.06.2025, recommending temporary affiliation.

With regard to the petitioner's reliance upon the case of Arcade Business College, learned counsel submits that the said institution stood on a different footing, as it had already been granted permanent affiliation by Magadh University prior to the



creation of Patliputra University. It is submitted that after the establishment of Patliputra University, the permanent affiliation of Arcade Business College was merely confirmed pursuant to the orders passed by this Court in CWJC No. 11113 of 2017, CWJC No. 11628 of 2017, and MJC No. 2776 of 2018, whereafter the University issued communications dated 09.08.2018 and 06.10.2021. Copies thereof have been annexed as Annexures A and B. It is further submitted that the State Government granted post facto approval to such permanent affiliation vide letters dated 20.03.2023 and 13.04.2023, which have been brought on record as Annexures C and D.

20. Lastly, learned counsel for the University submits that after implementation of the AICTE Regulations from the academic session 2024-25, the respondent University has not forwarded any proposal for grant of permanent affiliation in respect of institutions imparting AICTE-regulated courses and has been granting affiliation only in accordance with the approval granted by the AICTE and the approval of the State Government under Section 21(2)(d) of the Act.

ISSUES FOR CONSIDERATION:

1. Whether Registrar of the respondent University was justified in law in issuing the impugned communications dated



24.06.2025 and 28.08.2025, whereby the recommendation for permanent affiliation was modified to affiliation for a single academic session, despite the unanimous recommendations of the ANTPC, Academic Council, Syndicate and Senate (Statutory Bodies of the University) in favour of grant of permanent affiliation to the petitioner institution?

2. Whether the annual Extension of Approval (EoA) granted by the All India Council for Technical Education (AICTE) for professional courses constitutes a legal bar to the grant of permanent affiliation under Section 21(2)(d) of the Bihar State Universities Act, 1976?

3. Whether the impugned actions of the Registrar of the respondent University in altering its earlier recommendation for permanent affiliation granted by statutory bodies of the University without assigning reasons or affording an opportunity of hearing to the petitioner, is illegal, arbitrary, violative of the principles of natural justice, and thus unsustainable in law?

FINDINGS:

1. **Whether the Registrar of the respondent University was justified in law in issuing the impugned communications dated 24.06.2025 and 28.08.2025, whereby the recommendation for permanent affiliation was modified to affiliation for a single**



academic session, despite the unanimous recommendations of the ANTPC, Academic Council, Syndicate and Senate (Statutory Bodies of the University) in favour of grant of permanent affiliation to the petitioner institution?

Finding on issue no.1:

The answer to the aforesaid issue has to be found in the statutory scheme governing grant of affiliation under the Bihar State Universities Act, 1976. The materials brought on record reveal that the proposal for grant of permanent affiliation to the petitioner institution was not the outcome of an individual administrative decision, but was the culmination of a structured statutory process. The petitioner institution was duly inspected and its eligibility was examined by the competent authorities constituted under the Act. Upon satisfaction of the prescribed requirements, the Affiliation and New Teaching Programme Committee (ANTPC) recommended grant of permanent affiliation, which recommendation thereafter received approval from the Academic Council, the Syndicate and, finally, the Senate, the highest statutory body of the University. Acting upon the resolutions of these statutory authorities, the University itself forwarded the proposal for grant of permanent affiliation to the State Government vide Letter No. INS/PPU/384/25 dated 14.06.2025.



Once the statutory bodies of the University had unanimously resolved to grant permanent affiliation and the University had acted upon such resolutions by forwarding the proposal to the State Government, the recommendations attained a degree of institutional finality within the decision-making framework of the University. At that stage, the role of the University stood substantially exhausted, save and except to facilitate consideration of the proposal by the State Government in accordance with Section 21(2)(d) of the Act. The Registrar of the University could not, in the absence of any express statutory authority or any subsequent decision of the competent statutory bodies, unilaterally alter the very recommendation which had emanated from those bodies.

The impugned communication dated 24.06.2025 does not disclose that the matter was reconsidered by the ANTPC, Academic Council, Syndicate or Senate. There is nothing on record to suggest that any of the statutory bodies revisited or recalled their earlier resolutions. On the contrary, the modification appears to have been made solely at the administrative level by substituting the recommendation of permanent affiliation with affiliation for a single academic session. Such an action, in the opinion of this Court, is inconsistent with the statutory decision-



making mechanism envisaged under the Bihar State Universities Act. An administrative authority cannot override or dilute a decision validly taken by the competent statutory bodies unless such power is specifically conferred by law.

The subsequent communication dated 28.08.2025 also does not improve the position of the respondent University. Rather than forwarding the recommendation for permanent affiliation already approved by the statutory bodies, the Registrar of the University recommended affiliation only for the academic session 2025-26. This communication, too, does not indicate that the statutory bodies had reconsidered their earlier resolutions or authorized the alteration in the nature of affiliation. Consequently, the subsequent recommendation suffers from the same legal infirmity as the earlier corrigendum.

The principal justification advanced by the respondent University is that the proposal for permanent affiliation was inadvertently forwarded without taking into consideration the approval granted by the AICTE and, therefore, the corrigendum was issued to bring the recommendation in conformity with the AICTE approval. Such justification, however, cannot validate the impugned action insofar as the present issue is concerned. Whether the AICTE approval has any bearing upon the grant of



permanent affiliation is an independent legal question, which shall be examined separately. Assuming that the Registrar of the University perceived an inconsistency between its recommendation and the AICTE approval, the proper course available to it was to place the matter before the competent statutory bodies for reconsideration or to bring the relevant facts to the notice of the State Government while the proposal was pending consideration. It could not, on its own, substitute the collective decision of the statutory authorities with an administrative decision.

The contention of the respondents that the matter was still pending before the State Government also does not advance their case. Pendency of the proposal before the State Government cannot bestow powers on the Registrar of the University to modify or withdraw recommendation of the statutory bodies of the University *dehors* the procedure prescribed under the Act. Once the proposal had been forwarded in terms of the resolutions passed by the statutory bodies, any departure therefrom necessarily required reconsideration by those very authorities. No such exercise having been undertaken, the impugned communications cannot be sustained on the basis of mere administrative expediency.



This Court is, therefore, of the considered view that the Registrar of the respondent University acted beyond the scope of its authority in issuing the communications dated 24.06.2025 and 28.08.2025, whereby the recommendation for permanent affiliation was substituted with affiliation for a single academic session without there being any reconsideration or approval by the competent statutory bodies. The impugned communications, to that extent, are contrary to the statutory scheme governing affiliation under the Bihar State Universities Act, 1976 and cannot be held to be legally justified.

Accordingly, Issue No. I is answered in favour of the petitioner.

2. Whether the annual Extension of Approval (EoA) granted by the All India Council for Technical Education (AICTE) for professional courses constitutes a legal bar to the grant of permanent affiliation under Section 21(2)(d) of the Bihar State Universities Act, 1976?

Finding on Issue No.2:

The principal justification advanced by the respondent-University for issuing the impugned communications is that the petitioner institution had been granted approval by the AICTE only for the academic session 2025-26 and, therefore, permanent



affiliation could not have been recommended. According to the respondent-University, after implementation of the AICTE regulatory framework, the University is required to ensure that affiliation is granted only in consonance with the approval accorded by the AICTE. The petitioner, on the other hand, contends that the AICTE grants only annual Extension of Approval (EoA) and not permanent approval, and, therefore, the annual nature of such approval cannot, by itself, disentitle an institution from being considered for permanent affiliation under the Bihar State Universities Act.

This Court finds that the controversy essentially arises from a conflation of two distinct statutory concepts. Approval/Recognition granted by the AICTE and affiliation granted under the Bihar State Universities Act operate in separate, though interrelated, fields. While the AICTE regulates technical education by prescribing standards relating to infrastructure, faculty, intake and other academic requirements, the University exercises its statutory power of affiliation to bring an institution within its academic fold for the purposes contemplated under the Act. Both are indispensable, yet neither is a substitute for the other.



The annual Extension of Approval granted by the AICTE is a regulatory mechanism devised to ensure continued compliance with the standards prescribed by it. The fact that such approval is renewed from year to year does not, by itself, imply that an institution is incapable of being granted permanent affiliation under the University Act. Significantly, no provision of the Bihar State Universities Act, 1976 has been brought to the notice of this Court which mandates that permanent affiliation can be granted only where the regulatory approval of the AICTE is itself permanent. Equally, no provision of the AICTE Act or the Regulations has been shown which prohibits the grant of permanent affiliation by the University merely because the AICTE follows the mechanism of annual Extension of Approval.

At the same time, the significance of the AICTE approval/recognition cannot be diluted. The University and the State Government are under a legal obligation to ensure that affiliation does not exceed the regulatory approval/recognition granted by the AICTE in respect of the courses conducted and the intake permitted. Thus, while the nature of affiliation may be permanent, the actual conduct of courses, intake of students and continuation of admissions must necessarily remain consistent with the approval granted by the AICTE for the relevant academic



sessions. The requirement of obtaining periodic Extension of Approval, therefore, governs the operational aspects of the institution and cannot be construed as extinguishing the statutory concept of permanent affiliation.

The subsequent enhancement of the petitioner's intake in the BCA course by the AICTE vide communication dated 31.07.2025 further demonstrates that the regulatory approval granted by the AICTE is dynamic and capable of variation depending upon compliance with its norms. Such variations may warrant corresponding modifications in the number of seats or courses that may be offered by the institution for a particular academic session. However, they do not, in themselves, determine whether the institution is entitled to permanent affiliation under the Bihar State Universities Act.

Accordingly, this Court is of the considered opinion that the annual Extension of Approval (EoA) granted by the AICTE does not constitute a legal bar to the grant of permanent affiliation under Section 21(2)(d) of the Bihar State Universities Act, 1976. The grant of permanent affiliation and the grant of regulatory approval/recognition by the AICTE are complementary statutory requirements, each operating within its respective spheres. The former cannot be denied solely on account of the annual nature of



the latter, though the exercise and continuance of the rights flowing from affiliation must necessarily remain in conformity with the approval/recognition granted by the AICTE from time to time.

3. Whether the impugned actions of the Registrar of the respondent University in altering its earlier recommendation for permanent affiliation granted by Statutory Bodies of the University without assigning reasons or affording an opportunity of hearing to the petitioner, is illegal, arbitrary, violative of the principles of natural justice, and thus unsustainable in law?

The principles of natural justice constitute an integral facet of fair administrative action. It is now well settled that whenever an administrative decision has the effect of curtailing or withdrawing an existing benefit or adversely affecting the rights or legitimate expectations of a person, such decision must satisfy the requirements of procedural fairness. Unless expressly excluded by statute or where the nature of the action itself admits of no prior hearing, an authority is ordinarily required to disclose the reasons for its proposed action and afford the affected party an opportunity of being heard.



In the present case, the petitioner institution had already undergone the statutory process of inspection and evaluation, pursuant to which the competent statutory bodies of the University successively recommended grant of permanent affiliation. Acting upon those recommendations, the University itself forwarded the proposal to the State Government vide Letter No. INS/PPU/384/25 dated 14.06.2025 recommending permanent affiliation. The subsequent communications dated 24.06.2025 and 28.08.2025 materially altered the petitioner's position by substituting the recommendation for permanent affiliation with affiliation confined to a single academic session. Such alteration undoubtedly carried adverse civil consequences, as it directly impacted the petitioner's academic status and its entitlement to seek permanent affiliation.

A perusal of the impugned communications reveal that they do not disclose any cogent reasons for departing from the earlier decision taken on the basis of the recommendations of the statutory bodies. The communication dated 24.06.2025 merely substitutes the earlier recommendation without indicating the circumstances which necessitated such departure. Even the subsequent communication dated 28.08.2025 does not disclose any independent reasoning but merely reflects the modified



recommendation forwarded to the State Government. The reasons now sought to be advanced by the respondents in their counter affidavits, namely that the modification was necessitated on account of the AICTE approval, cannot cure the defect in the original decision. It is trite that the validity of an administrative order has to be judged on the reasons contained therein and cannot be supplemented by fresh reasons subsequently disclosed through affidavits.

Equally significant is the fact that no material has been placed on record to indicate that the petitioner was put to notice before the impugned communications were issued. No show-cause notice was issued, no opportunity was afforded to explain the petitioner's position, and no hearing preceded the decision to alter the recommendation for permanent affiliation. The respondents have also not pointed out any provision under the Bihar State Universities Act or the Statutes excluding the application of the principles of natural justice in the present circumstances. On the contrary, where an authority proposes to withdraw or substantially modify an earlier decision conferring a benefit upon an institution, adherence to the principles of natural justice assumes greater significance.



The respondents have sought to justify the impugned action by contending that the modification was made to bring the University's recommendation in conformity with the approval granted by the AICTE. Even assuming such justification to be available, it did not dispense with the obligation to adopt a fair decision-making process. Administrative convenience or perceived urgency cannot be invoked to bypass the fundamental requirement of procedural fairness, particularly when the action results in adverse civil consequences for the affected institution.

The impugned action also falls foul of the requirement that administrative decisions must be reasoned. Recording of reasons is not an empty formality; it ensures transparency, facilitates judicial review and demonstrates that the authority has applied its mind to the relevant considerations. An unreasoned decision which reverses an earlier recommendation approved by the statutory authorities of the University cannot withstand judicial scrutiny merely because an explanation is furnished during the course of litigation.

In view of the foregoing discussion, this Court is of the considered opinion that the respondent University, while altering its earlier recommendation for permanent affiliation, failed to adhere to the minimum requirements of procedural fairness. The



impugned communications were issued without disclosing adequate reasons and without affording the petitioner an opportunity of hearing, thereby rendering the decision-making process arbitrary and violative of the principles of natural justice.

21. In view of the discussions made hereinabove, this Court is of the considered opinion that the respondent Registrar of the University was not justified in unilaterally modifying its earlier recommendation for grant of permanent affiliation, which had been approved by the ANTPC, Academic Council, Syndicate and Senate, by issuing the impugned communications dated 24.06.2025 and 28.08.2025. The annual Extension of Approval (EoA) granted by the AICTE cannot, by itself, constitute a legal impediment to the grant of permanent affiliation under the Bihar State Universities Act, 1976. At the same time, the regulatory approval granted by the AICTE remains an essential statutory requirement governing the courses, intake and academic operations of the institution. Consequently, while the petitioner cannot be denied consideration for permanent affiliation solely on account of the annual nature of AICTE approval, the benefits flowing from such affiliation must necessarily operate within the regulatory framework prescribed by the AICTE from time to time.



22. Accordingly, the impugned Corrigendum/Letter No. R/PPU/946/25 dated 24.06.2025 and Letter No. R/PPU/1476/25 dated 28.08.2025 are hereby quashed and set aside. The recommendation of the respondent University contained in Letter No. INS/PPU/384/25 dated 14.06.2025, whereby permanent affiliation was recommended in favour of the petitioner institution, shall stand restored and shall be processed by the respondent State authorities in accordance with law. It is, however, made clear that such permanent affiliation shall remain subject to the petitioner institution obtaining and maintaining the requisite approval/Extension of Approval (EoA) from the AICTE from time to time, and the petitioner shall be entitled to admit students and conduct courses only to the extent permitted under the approval granted by the AICTE for the relevant academic session. The respondent State Government shall take a final decision on the restored proposal for permanent affiliation, in the light of the observations made hereinabove, preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment.

23. The writ petition stands allowed in the aforesaid terms. All pending I.As, if any, stands disposed of. There shall be no order as to costs.



CWJC No.14439 of 2025

Heard the parties.

2. Since the petitioner of this case is similarly situated as the petitioner of CWJC No.14108 of 2025 and the facts, issues involved as well as reliefs claimed are also similar in nature, therefore, this writ application is also allowed in terms of the aforesaid judgment delivered in CWJC No. 14108 of 2025.

3. Accordingly, in view of the discussions made hereinabove and for the reasons recorded while answering the issues framed by this Court, the writ petition deserves to be allowed. Accordingly, the impugned Corrigendum/Letter No. R/PPU/945/25 dated 24.06.2025 and Letter No. R/PPU/1476/25 dated 28.08.2025 are hereby quashed and set aside. The recommendation of the respondent University contained in Letter No. INS/PPU/383/25 dated 14.06.2025, whereby permanent affiliation was recommended in favour of the petitioner institution, shall stand restored and shall be processed by the respondent State authorities in accordance with law. It is, however, made clear that such permanent affiliation shall remain subject to the petitioner institution obtaining and maintaining the requisite approval/Extension of Approval (EoA) from the AICTE from time to time, and the petitioner shall be entitled to admit students and



conduct courses only to the extent permitted under the approval granted by the AICTE for the relevant academic session. The respondent State Government shall take a final decision on the restored proposal for permanent affiliation, in the light of the observations made hereinabove, preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment.

4. The writ petition is, accordingly, allowed in the aforesaid terms. All pending I.As, if any, stands disposed of. However, there shall be no order as to costs.

(Alok Kumar Sinha, J)

Prakash Narayan

AFR/NAFR	AFR
CAV DATE	30.06.2026
Uploading Date	13.07.2026
Transmission Date	NA

