

Secretary, Maharshi Dayanand Arya Shiksha Mahavidyalaya

Vs

State of Bihar and Others

Civil Appeal No. 3655 of 1987

(CJI Ranganath Misra, M. H. Kania JJ)

30.07.1991

ORDER

1. Two questions arise for determination in this appeal by special leave : (1) whether the appellant institution is entitled to recognition and (2) in what way should the students who were permitted to take the examination under the orders of this Court be dealt with.
2. Mr. Gopal Subramaniam, counsel appearing for the appellant institution concedes in term of the decision of this Court that Arya Samaj institutions established outside the State of Punjab would not be minority institutions. That aspect must be taken as final. It appears that the State Government has in the meantime taken a decision not to recognise the institutions on the plea that the conditions are not satisfied but the final order of the government does not indicate any objective application of mind to the matter. Mr. Pramod Swarup, counsel appearing for the State of Bihar agrees that the affiliation matter shall be reopened and the appellant shall be given a reasonable hearing.
3. So far as the second aspect is concerned we accept in retrospect that permission to take the examination should not have been granted, particularly when the institution is neither recognised nor affiliated to the Bhagalpur University which has the territorial jurisdiction over the institution. But the examination was held several years back and the publication of result has been withheld. Let the result be published. But we make it clear that the appellant institution would not be permitted to admit the students or make any application for permitting its students to take any further examination until the application for affiliation is granted. The State of Bihar will re-dispose of the matter within three months from today.
4. The civil appeal is disposed of accordingly.

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