

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13870 of 2015

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The State Of Bihar through the Principal Secretary, Department of Science & Technology Government of Bihar, New Secretariat, Patna-800015, Bihar.

.... Petitioner/s

Versus

All India Counsel For Technical Education, through its Director, 7th Floor
Chanderlok, Building Janpat New Delhi-110001

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. N. Shahi, Sr. Advocate Mr. Patanjali Rishi Mr. Mritunjay Kumar
For the Respondent/s	:	Mr. M.M.P. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-10-2015

27.10.2015

Petitioner is the State of Bihar, who have filed the writ application through the Principal Secretary, Department of Science and Technology, seeking quashing of the order or letter, dated 03.07.2015, by virtue of which the All India Council for Technical Education (hereinafter referred to as 'AICTE' for short) has refused to revisit its earlier order of reducing the sanctioned intake of students for the year 2015-2016 by 50 per cent. Since such a decision is going to have detrimental effect on the poor students of the State of Bihar, the State of Bihar has decided to take up the issue on behalf of the students' future and career.

The State of Bihar has set up an Engineering



College in the district of East Champaran. Name of the institution is Motihari College of Engineering. The College was inaugurated on 20th of November, 2008. Based on the basic infrastructure, provided then, the AICTE has granted permission for taking admission in various streams initially with an intake of 60 students. However, for the year 2015-2016, the AICTE on the basis of inputs and inspection, barred the State of Bihar from taking admission to the full strength, because of the inadequacies found in the institution.

What is surprising is that the State of Bihar started the institution with much fanfare, but never bothered to ensure that the basic facilities were put in place and the infrastructure augmented to ensure imparting of quality education in Engineering. Mere bricks and the mortars do not create an institution. If the communications which are already on record are gone through, the institution does not have teachers; it does not have books; it does not have various other facilities in its workshop and laboratory; and even electrical wiring had not been completed in the class rooms and the buildings, when NCTE decided to reduce the intake by 50 percent. The State was egged on to react, when the respondent-NCTE decided to take a grim view of the

matter. They have now taken some ad-hoc arrangements for teachers as well as sanctioned funds for infrastructure development, which would be evident from Annexure – 4 and 5 as well as Annexure-8.

The respondent-AICTE has filed their counter affidavit. They put the blame on the State Government for their failure to put things in order. They are willing to reconsider the matter, provided the State is ready for yet another inspection with an invitation in this regard. Yet another plea, which has been taken is that the dates for taking admission for this academic year is over and no useful purpose would be served by allowing the respondents by recalling the earlier order of reduction, because it serves nobody's case.

After having perused the materials on record and having heard learned Additional Advocate General No. 10, representing the State, the Court is of the opinion that the inadequacy is within the State. The rectification has to be done by the State and if the State is serious about providing quality education to the so called poor students of the State of Bihar, they better put the requisite facilities and standards in place. Mere sanctioning money for the purpose may not do. They still have some couple of months in their hands to ensure

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that the sanctioned money is properly utilized and whatever is required to be done to remove the inadequacies is in place before the next academic sessions.

The Court also hopes that once the State is ready, it will be free to invite the authorities to satisfy themselves, who will surely revisit their earlier decision of reducing the intake of students.

However, in the totality of the facts, since this Court does not find any element of irrationality or arbitrariness in the decision taken by the respondent-AICTE, the Court refuses to pass any order in favour of the State by either quashing Annexure-14 or giving a direction for reconsideration.

Before parting, the Court can only observe that the commitment of the State to better and quality education will be tested by their conduct and delivery with regard to the present institution.

In view of the aforesaid facts and circumstances, writ application is dismissed with observation / direction as above.

(Ajay Kumar Tripathi, J.)

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