

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 9773 of 2015

Suchit Singh Memorial Education Trust, 703, 7th Floor, Luvkush Tower, Exhibition road, Patna, Bihar- 800001, through its Chairman.

.... .. Petitioner/s

Versus

1. The State Board of Technical Education, Bihar, through its Secretary, 4th Floor, Technology Bhawan, Visheshwariya Bhawan Campus, Bailey Road, Patna- 800015.

2. All India council for Technical Education, through its Member Secretary, 7th Floor, Chandralok Building, Janpath, New Delhi

3. The Principal Secretary, Department of Science and Technology, Government of Bihar, Patna

.... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Kanth, Sr. Advocate

Mr. Akashdeep

For the Respondent/s : Mr. Lalit Kishore, Sr. Advocate, PAAG

Mr. Bishwa Bibhuti Kumar Singh,

For the AICTE: Mr. S. N. Pathak

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-08-2015

12.08.2015

The writ application has been filed by the institution, seeking a direction upon the Respondent No. 1 to grant affiliation to the establishment known as Girija Devi Polytechnic College, for the academic session 2015-2016. It is the stand of the learned senior counsel that since All India Council for Technical Education (hereafter referred to as "AICTE" for short) has granted approval, therefore, the formality of affiliation ought to be completed by its grant by Respondent No. 1-the State

Board of Technical Education.

It is contended on the part of the petitioner that already request through a letter has been made as far back as on 12.06.2015, but non-decision or delay in decision has compelled the petitioners to approach the High Court for such a direction.

The State of Bihar was directed to file a counter affidavit to explain as to why the request of the petitioner for affiliation has not been acted upon. They take a stand in the counter affidavit that the State Board of Technical Education stands dissolved for the time being. The work of the Board is now being performed by the Science and Technology Department. The Department has no discretion or leverage in matter of granting affiliation as they are guided by the direction, issued by the Hon'ble Apex Court. Hon'ble Court has fixed the academic calendar for such institutions based on the decision rendered in the case of ***Parshvanath Charitable Trust and Ors. Versus All India Council for Technical Education and Ors., reported in 2013 (3) SCC 385***. A notification has been issued by AICTE, which is annexed as Annexure-B to the counter affidavit as a follow up.

In the present case, the admitted position is that the application for affiliation has been filed by the



petitioner before the authorities after the scheduled date and calendar fixed by the Hon'ble Supreme Court.

Learned Principal AAG representing the State submits that the fault lies with the petitioner for not making an application within the time-frame. If the State authorities dare to take a decision in favour of the petitioner they will fall foul of the directives of the Hon'ble Apex Court.

The facts being such, no relief can be granted by this Court in favour of the petitioner, because the petitioner has not moved the authorities well in time, so as to complete the exercise of holding entrance test and providing admission within the time schedule to maintain the academic calendar fixed by the Hon'ble Apex Court.

This Court, therefore, has no leverage in exercise of discretion over and above what the Hon'ble Supreme Court has already said in the case of Parshvanath (supra).

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

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