

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13072 of 2016

=====

Nawada Teachers Training College (B. Ed.) Nawada Situated at Sonakhara Derwa Road, Near Police Line, Nawada through its Director- Sujit Kumar Mishra, S/o Uday Kant Mishra, R/o West Digli Tank Near Civil Court, Gaya- 825001.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar, Patna.
2. Magadh University, Bodh Gaya through its Registrar.
3. Vice- Chancellor, Magadh University, Bodh Gaya.
4. The Registrar, Magadh University, Bodh Gaya.
5. College Inspector/Inspector of Colleges (Art and Commerce), Magadh University, Bodh Gaya.
6. Chancellor, Magadh University, Bodh Gaya.

.... Respondents

=====

Appearance :

For the Petitioner	:	Mr. Manan Kumar Mishra, Sr. Advocate Mr. Sanjay Kumar Pandey, Advocate Mr. Vishwajeet Kumar Mishra, Advocate
For the State	:	Mr. Madhav Prasad Yadav, G.P.23 Mr. Rajesh Kumar Sinha, A.C. to G.P.23
For the University	:	Dr. K.N. Singh, Senior Advocate Mr. Vipin Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 25-10-2016

Some litigations are totally unwarranted and unnecessary.

They are generated because the public authority saddled with the responsibility are not willing to take a quick and objective decision with regard to certain responsibility thrust upon them by virtue of the public office, which they hold and the obligation created under certain statutes.

2. In the present writ application, the petitioner is a B.Ed. College situated in the district of Nawada. They had obtained approval from the National Council of Teachers Education, Eastern Region for running the institution and admitting students to the course. The NCTE



have taken a decision in favour of the institution but since NOC is required from the affiliating University, who are saddled with the responsibility of conducting examination and award of degrees, the institution made an application to the University. The University authorities after dilly-dallying decided to refund the inspection fee and go silent on the issue of NOC. From a reading of the communication made by the college relating to refund of the inspection fee, nothing can be culled out or understood as to why the University has taken such a decision, which have serious consequences for the institution because if the time lapses, the entire exercise and even the approval of the NCTE shall also lapse and the institution will lose a good year of imparting training.

3. From the series of litigations of such kind, it is evident that it is the lackluster approach of the University authorities where decisions get delayed and the citizen is left with no option but to rush to a court of law seeking direction. This could be very well avoided provided the University embarks upon the responsibility of carrying out a quick inspection and submitting its report to NCTE in case shortfalls are found after inspection by the University and the pointed reasons why they have reservation in granting a NOC are made known. But, for obvious reasons, the inspections are not expedited and held in time and no specific reasons are also assigned. In fact no decisions are ever provided and if it is provided, as in the present case, the issue is left as

vague as possible.

4. Since such disputes and litigations are coming before the Court with regularity, the Court decides to give a direction to all the Vice-Chancellors of the Universities of the State of Bihar where affiliation is sought by such B.Ed. colleges after approval by the NCTE, that they have an obligation that no sooner an application is filed by the University with the letter of approval by NCTE, their report with the decision would not only be forwarded to NCTE but a copy will also be marked to the institution. Such decision must be taken within a period of eight weeks from the date of such application. The University concerned will ensure that the reasons for non-grant are specified if it is such case so that the institution gets an opportunity to address such inadequacies well within time, so that the academic year is not lost.

5. The University would be well reminded that they have a very limited role to play after an approval has been given by the National Council of Teachers Education, which is a body created under a Central Act, giving authority to make such decisions in the interest of the academic standards and maintenance of such institutions. The objective of NOC and affiliation of the University is with the object of conduct of examination and award of degrees. Therefore, the University authorities should not treat such a responsibility as if they are sitting in appeal over the decision of the NCTE. It has to be a kind of proactive approach instead of negative approach in grant of such NOC or affiliation.

6. In the present case, since nothing emerges as to the reason as such as to why the inspection fee of the petitioner's institution has been returned and why the NOC has been refused, the Court directs the Vice-Chancellor of the Magadh University that there is an obligation to conduct a fresh inspection and take a decision and do the needful in terms of the previous part of the directive of this Court. The Court would expect that a fresh decision would be taken within a framework of ten weeks from the date of such an application being made by the petitioner.

7. The writ application stands allowed in terms of the above.

8. A copy of this order will be marked to the Vice-Chancellors of all the Universities of Bihar who grant affiliation and NOC to B.Ed. colleges for their information and needful.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	26.10.2016
Transmission Date	