

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8670 of 2017

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Dr. Sharique Hussain aged about 49 years son of late Prof. Kashif Hussain,
Secretary, Dr. Zakir Hussain Teachers Training College, P.O. Laheria Sarai,
Police Station Laheria Sarai, District Darbhanga

.... Petitioner/s

Versus

1. The Honble Chancellor of Universities of Bihar
2. Lalit Narayan Mithila University, Darbhanga through its Registrar
3. Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.8671 of 2017

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Dr. S. M. Ali Imam

.... Petitioner/s

Versus

1. The Honble Chancellor of Universities of Bihar
2. Lalit Narayan Mithila University, Darbhanga through its Registrar
3. Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga

.... Respondent/s

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Appearance :

(In CWJC No.8670 of 2017)

For the Petitioner/s : Mr. P. N. Shahi, Sr. Advocate
With Mr. Sanjay Kumar

For the Respondent/s : Mr. Sarvdeo Singh

(In CWJC No.8671 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Rajendra Kumar Giri

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 23-06-2017 It is being claimed that Dr. Zakir Hussain Teachers Training College, Laheria Sarai, Darbhanga (CWJC No. 8670 of 2017) and S.M. Zaheer Alam Teachers Training College, Bahera, Darbhanga (CWJC No. 8671 of 2017), which are minority institutions have been imparting education at the level of B.Ed and M.Ed. Courses since more than 25 years. It is their common case that they have their own procedure for admission to the B.Ed. and M.Ed. Courses and so far no



finger has ever been raised over the fairness of the admission procedure adopted by these institutions to the Courses.

2. In that background relying on an observation made by Division Bench of this Court in case of **Mirza Ghalib T. T. College, Patna and others V. State of Bihar and others** dated 27.10.2016 passed in **CWJC No. 17664 of 2015** in paragraph 73, it is being contended that these institutions should be permitted to adopt their own admission procedure, which is fair and which they had been following for all these years. Paragraph 73 of the said decision reads thus:-

"73. Taking a cue from the observations made in paragraph 19 of Supreme Court decision in case of Islamic Academy of Education (supra), we observe that the Chancellor of the Universities of Bihar shall have power to permit an institution, which has been established and which has been permitted to adopt its own admission procedure for the last, at least 25 years, against which no finger has every been raised and no complaint made regarding fairness, to adopt its own admission procedure. It is made clear that no institute which has not been established and which has not followed its own admission procedure for the last, at least 25 years shall be permitted to apply for or be granted exemption from admitting students through CET. If any Committee has been constituted, in the light of Supreme Court decisions in case of Islamic Academy of Education (supra)/P.A. Inamdar (supra), such



Committee shall also have the power to grant such exemption, after due notice and adequate opportunity to the State of Bihar and the affiliating University of hearing."

3. This Court while holding that admission to technical and professional courses in privately managed institutions can be allowed only through two sources, namely, (i) Competitive Entrance Test held by the State or (ii) Combined Competitive Entrance Test held by the Association of the privately managed institutions conducting similar courses. However, the Court in the decision in case of **Mirza Galib T. T. College** (supra) observed that the Chancellor of the Universities of Bihar shall have the power to permit an institution established 25 years or more before the said decision if they had been following a fair admission procedure, to adopt their own admission procedure.

4. It is the case of the petitioners that in the light of the same observation made by this Court in case of **Mirza Galib T. T. College** (supra), the petitioners had applied before the Chancellor for grant of required permission on 17.05.2017, but till date no decision has been communicated. It has also been contended that 28.06.2017 is the last date fixed by the University for admission to B.Ed. Course. It is, accordingly, being submitted that the Institution may be allowed to take



admission adopting their own procedure, which according to the petitioners is fair.

5. In the facts and circumstances of the case, in my view, this application can be disposed of with an observation that the said Institutions shall be allowed to take admission to B.Ed. Course provisionally after following their own procedure, which should be fair.

6. Such admissions shall, however, be subject to final decision to be taken by the Chancellor on the representations made on behalf of the said Institutions.

7. It is also observed that the institutions shall be obliged to inform the persons taking admission to the said Courses that the admissions would subject to the final decision to be taken by the Chancellor of the Universities on the basis of representations filed by these institution before the Chancellor.

8. These applications stand disposed of accordingly.

9. Let a copy of this order be handed over the learned counsel for the petitioners forthwith.

(Chakradhari Sharan Singh, J)

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