

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8310 of 2017**

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1. Islamia Teachers Training College ( B. Ed. ) College, Isapur Road, Phulwari Sharif, Patna through Secretary, Khurshid Hassan S/o Late Md. Ahsan R/o Phulwari Sharif, Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Chancellor of Magadh University, Bodh Gaya, Raj Bhawan, Patna through Joint Secretary, Governor's Secretariat, Raj Bhawan, Patna.
3. Magadh University, Bodh Gaya through Registrar, Bodh Gaya, District - Gaya.
4. Examination Controller, Magadh University, Bodh Gaya, District - Gaya.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Singh  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

3      29-06-2017                      No counter affidavit has been filed on behalf of the Chancellor, despite order of this Court, dated 14.06.2017.

2. It is the case of the petitioner that the case of the College in question for the purpose of taking admission to B.Ed. Course is covered by the observation made by the 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**. The present petitioner was also one of the petitioners in batch of cases in **Mirza Ghalib T. T. college, Patna** (supra). 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 ever 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. Referring to the pleadings in the writ application, learned Senior counsel appearing on behalf of the petitioner has submitted that in terms of the said judgment, the petitioner’s institution had made application before the Chancellor of the Universities of Bihar for grant of exemption in the matter of taking admission to B.Ed. Course. The said



application has been brought on record by way of Annexure-10 to the writ application.

4. It is the grievance of the petitioner that till date no decision has been taken though decision in respect of certain other Colleges has been taken and some of the Colleges have been granted exemption from admitting the students through Competitive Entrance Test (CET), giving them benefit of observation made by this Court in Paragraph 73 of the decision in case of Mirza Galib T. T. College, Patna (supra).

5. When the matter was taken up on 14.06.2017, on a submission made on behalf of the petitioner, following interim order was passed:-

“Learned Senior counsel, appearing on behalf of the petitioner, has submitted that the petitioner’s College, which conducts B.Ed. course, may be allowed to take admissions of students after adopting fair procedure, which the Institution has been following for last more than twenty five years. The petitioner can adopt such procedure for admission and take admissions of students but at its own risk, in the meanwhile, till decision is taken on their application before the Chancellor.”

6. Since no counter affidavit has been filed on behalf of the office of the Chancellor, considering the



nature of controversy involved in the present application, I consider it appropriate to dispose of the writ application with a direction of the office of the Chancellor to decide the petitioner's application for exemption within a period of one month from the date of receipt/production of a copy of this order.

7. By way of interim order the petitioner's institution has been allowed to take admission in the said course. It is made clear that the Institution shall be obliged to inform the candidates seeking admission to the said course that their admission would be subject to the final decision to be taken by the Chancellor of the Universities in the light of the present order.

8. This application stands disposed of accordingly.

**(Chakradhari Sharan Singh, J)**

ArunKumar/-

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