

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9479 of 2017

J. P. Memorial Trust, Prabhat Colony Chas, Bokaro, through it Secretary, Mr. Shailesh Kumar, Son of Late Jageshwar Prasad, Resident of Mohalla-Prabhat Colony Chas (Bokaro), P.O. & P.S.-Chas, District-Bokaro (Jharkhand)

... .. Petitioner/s

Versus

1. The Magadh University, Bodh Gaya Through The Registrar.
2. The Vice Chancellor of the Magadh University, Bodh Gaya.
3. The Registrar of the Magadh University, Bodh Gaya.
4. The Director, National Council for Teachers Education, Neelkanth Nagar, Nayapalli, Bhubneshwar(ODISHA)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Mishra
For Magadh University	:	Mr. Shivendra Kishore, Sr. Adv. Mr. Priyank Deepak
For N.C.T.E.	:	Mr. Sunil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 06-10-2017 Heard learned Counsel for the parties concerned.

The petitioner has sought a direction to the Magadh University, Bodh Gaya, to issue *No Objection Certificate* to the petitioner's trust for opening a teachers' training institution for running B.Ed. Course at Biharsharif, Nalanda.

Pursuant to direction of the University, the petitioner had deposited requisite amount of Rs. 5,50,000/- for the purpose of inspection to grant *No Objection Certificate*.

It appears that the University has taken a policy decision



not to grant *No Objection Certificate* for establishing new B.Ed. Colleges, there being a number of colleges already existing within its jurisdiction.

Pursuant to such policy decision of the University, the University has refused to grant *No Objection Certificate* and has decided to refund the amount of Rs. 5,50,00/-, which was deposited by the petitioner.

Learned Counsel for the petitioner has submitted that after having held the inspection of the institution, the University ought not to have refused to issue *No Objection Certificate*.

Be that as it may, there being a policy decision of the University not to issue *No Objection Certificate*, I am not inclined to interfere with such decision and issue direction, as sought in the present application. The policy decision of the University cannot be said to be *ex-facie* arbitrary and illegal.

In that view of the matter, this application is disposed of with an observation that the said amount of Rs. 5,50,000/-, which the petitioner had deposited, must be refunded to him, if not already refunded, forthwith.

It is made clear that in future, if the University decides to alter its policy decision, it will be open to the petitioner to apply for *No Objection Certificate*, which can be considered by the



University in accordance with law.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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