

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2826 of 2000

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S.Wakil Ahmad Teachers Training College, Murgia Chak, P.S.-Darbhanga Town,
District- Darbhanga through its Secretary, Sri Iqbal Ahmad.

.... Petitioner

Versus

1. The State of Bihar.
2. Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga, through the Registrar.
3. Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. Controller of Examination, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga,
5. Regional Director, National Council for Teachers Education, 15th Nilkantha Nagar, Nayapalli, Bhubneshwar.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Suresh Chandra Giri, Adv. Mr. Suman Kumar Singh, Adv.
For the NCTE	:	Mr. Sunil Kumar Singh, Adv.
For the University	:	Mr. Ajay Bihar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 12-07-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is challenging the office order containing Memo No.2168-2209 dated 17.02.2000 and Memo no.XC/1667-1867/2000 dated 29.02.2000, whereby admission, examination, result, mark-sheet and provisional



certificate of the student of S.Wakil Ahmad Teachers' Training College has been cancelled on the premise that the affiliation granted to the College at the relevant time is cancelled with retrospective date.

3. The letter dated 29.02.2000 has been quashed in C.W.J.C. No.2407 of 2000 and 11964 of 2000 (Fakhruddin Ali Ahmad Teachers' Training College & Anr. vs. The State of Bihar & Ors.), reported in 2008(3) PLJR Page- 131 and in C.W.J.C. No. 13108 of 2016. The relevant portion of the decision passed in Fakhruddin Ali Ahmad Teacher' Training College are as follows:-

“In light of the discussions contained hereinabove this Court, therefore, holds that the retrospective cancellation of affiliation and permission for the Sessions 1995-1996 and 1996-1997 and cancellation of admission, examination, marks sheet and provisional degree for the said Sessions under the examination held in April, 1998 are illegal. The impugned orders dated 4.6.1999, 14.06.1999, 23.3.2000, 24.4.2000 and 8.1.2001 of the N.C.T.E. and the consequential orders of the University and the State respondents dated 26.08.1999, 29.02.2000 and 10.6.1999 in so far as the said Sessions are concerned is quashed. This shall be notwithstanding the non compliance of Sections 14(3)(b) and 17(1) of the NCTE Act.

The order dated 4.6.1999, 14.6.1999, 14.6.199, 24.4.2000 and 19.1.2001 of the N.C.T.E. can be clearly



separated from its prospective aspect inasmuch as they themselves acknowledge that the Institution was directed not to admit any students for the Sessions 1999-2000 by order dated 24.2.1999 only thereafter the order dated 23.3.2000 cancelling the examination and results for the 1995-96 and 1996-97 was passed with retrospective effect.

There is thus a clear distinction to that extent with regard to the aspect of retrospective annulment for the Sessions 1995-19996, 1996-1997 and the subsequent refusal to grant prospective recognition. In so far as the prospective aspect is concerned, this Court considers it necessary to refer to Sections 14 sub-clause (3) (b) proviso and Section 17(1) of the NCTE Act which incorporate the prior requirement for compliance with the principles of natural justice as a statutory compulsion. In the facts and circumstances of the present case, it is an admitted position that this has not been done and has been breached making such an order per se illegal. Therefore, a post decisional hearing is of no consequence. This Court holds that the order of the N.C.T.E. dated 4.6.1999, 14.6.1999, 24.4.2000 and 19.1.2001 are not sustainable in their present form to the extent that it refused recognition prospectively and are accordingly set aside. To that extent the matter is remanded to the N.C.T.E. to issue notice to the petitioning Institution and after hearing arrive at a fresh determination in accordance with law.

This order shall not have any effect on the management of the Institution in so far as the Vigilance case is concerned or on the issue of recognition/affiliation of the



College by the State Government, the University of the N.C.T.E. which shall both be determined in accordance with law...”

4. Learned counsel for the petitioner submits that the order passed in the aforesaid case as well as in C.W.J.C. No. 13108 of 2016 entirely covers the present case inasmuch as the University has accepted the order as it has not been challenged anywhere and in consequence thereof, the University has passed the order, whereby and whereunder the Memo No.XC/1667-1867/2000 dated 29.02.2000 has been amended with respect to the cancellation of examination, result, marks sheet and provisional certificates respectively of B.Ed. students of Sessions 1995-96 and 1996-97 of Fakhruddin Ali Ahmed Teachers' Training College, has been withdrawn and the results have been revived.

5. Learned counsel for the petitioner submits that the petitioner should also be given the same benefit as has been given to the petitioners of aforesaid two cases.

6. Let the University examine the case of the present petitioner in light of the order passed in the C.W.J.C. No. 2407 of 2000 and C.W.J.C. No. 13108 of 2016 and give the same benefit as has been given in those cases, if it is covered.



7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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