

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13108 of 2016

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1. Devendra Prasad Son of late Mahanth Prasad resident of Village - Rajopatti, P.S. - Sitamarhi, District - Sitamarhi.
 2. Dharendra Kumar Singh Son of Ram Ekwel Singh resident of Village - Jainagar, P.S. - Riga, District - Sitamarhi.
 3. Sushil Prasad Son of Ramashish Prasad Sah resident of Village - Bakhari, P.S. - Sursand, District - Sitamarhi.
 4. Baidyanath Thakur Son of Yogi Thakur resident of Village - Bakhari, P.S. - Sursand, District - Sitamarhi.
 5. Jitendra Nath Son of Bindeshwar Roy resident of village - Dharharwa, P.S. - Parihar, District - Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
3. Chancellor of the Universities, Raj Bhawan, Bihar, Patna.
4. The Director, Primary, Secondary and Adult Education Government of Bihar, Patna.
5. Lalit Narayan Mishra University through its Vice Chancellor, Kameshwar Nagar, Darbhanga.
6. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
7. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
8. The Examination Controller, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
9. The National Council for Teachers Education (N.C.T.E.) through its Chairperson, Safdarjung Development Area, Sri Arbindo Marg, New Delhi.
10. The Chairperson, National Council for Teacher Education (N.C.T.E.) Safdarjung, Development Area, Sri Arbindo Marg, New Delhi.
11. The Member Secretary, National Council for Teachers Education (N.C.T.E.) Safdarjung Development Area, Sri Arbindo Marg, New Delhi.
12. The Eastern Regional Committee N.C.T.E., through its Chairperson Nilkanth Nagar Nayapalli, Bhubaneshwar.
13. The Chairperson, Eastern Regional Committee N.C.T.E., Nilkanth Nagar Nayapalli, Bhubaneshwar.
14. The Under Secretary, Eastern Regional Committee N.C.T.E. Nilkanth Nagar Nayapalli, Bhubaneshwar.
15. The Regional Director, Eastern Regional Committee, N.C.T.E., Nilkanth Nagar Nayapalli, Bhubaneshwar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra, Advocate.
For the State : Mr. M. K. Upadhyay, AC to GP-3.
For NCTE : Mr. Sunil Kumar Singh, Advocate.
For LNM University : Mr. Ajay Behari Sinha, Advocate.



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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT
Date: 24-04-2017

The petitioners seek quashing of the Memo No. X(C)/1868-78/2000 dated 29.02.2000 issued under the signature of the Examination Controller, Lalit Narayan Mithila University, Darbhanga whereby and whereunder the admission, examination, result, marks sheet and certificates of the petitioners who were the students of S. Wakil Ahmad Teacher's Training (B.Ed.) College, Murgia Chak, Bandh Road, Laheria Sarai, Lalbagh, Darbhanga at serial no. 'Gha' have been cancelled on the premise that the affiliation granted to the college at the relevant time has been cancelled with the retrospective effect.

From the pleadings on record, what has transpired is that the petitioners are, in fact, not seeking quashing of the said letter dated 29.02.2000, which has already been quashed by this Court by an order dated 28.03.2008 passed in CWJC Nos. 2407 of 2000 and 11964 of 2000 in the case of Fakhruddin Ali Ahmad Teachers Training College reported in **2008 (3) PLJR 131 (Fakhruddin Ali Ahmad Teachers' Training College v. State of Bihar)**. By the said order in the case of Fakhruddin Ali Ahmad Teachers Training College, this court set aside the impugned order in the following terms.

"24. 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 04.06.1999, 14.06.1999, 23.03.2000, 24.04.2000 and 08.01.2001 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 10.06.1999 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 Said notification dated 29.02.2000 was in relation to the four teachers training colleges including the S. Wakil Ahmad Teacher’s Training College, Darbhanga at serial no. ‘Gha’. As a consequence to the order of this Court in the case of Fakhrudding Ali Ahmed Teachers Training College, the University came out with a notification on 13.07.2010 with respect to Fakhruddin Ali Ahmed Teachers Training College only but not with respect to other three colleges. The grievance of the petitioner is that as per the notification issued in the case of Fakhruddin Ali Ahmed Teachers Training College, similar notification out to have been issued by the University in relation to the petitioners’ college also i.e. S. Wakil Ahmad Teacher’s Training College, Darbhanga.

Learned Counsel appearing on behalf of National Council for Teacher Education (NCTE) has submitted that NCTE has not subsequently withdrawn the recognition granted to the college. Learned counsel for the petitioners in reply has submitted that the recognition was withdrawn by the NCTE after issuance of the impugned order dated 29.02.2000.



Learned Counsel for the petitioners seems to be right with her contention that the order which is impugned in the present application already stands quashed by this Court in the judgment and order in the case of Fakhruddin Ali Ahmed Teachers Training College and the University was required to issue notification with respect to S. Wakil Ahmad Teacher’s Training College, Darbhanga also along with Fakhruddin Ali Ahmed Teachers Training College.

This application is disposed of with a direction to the University to issue similar notification in the case of the petitioners’ college also as done in compliance to the Court’s order in the case of Fakhruddin Ali Ahmed Training College. This must be done within a period of two weeks.

With the aforesaid directions, this application stands disposed of.

(Chakradhari Sharan Singh, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	02.05.2017
Transmission Date	02.05.2017

