

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15246 of 2016

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1. Birsa Vikas Society, Baipas Road, Near Hotel Nilkamal, Chas, Bokaro, through its Secretary, Priyanka Ranjan, W/o Shailesh Kumar, Resident of Mohalla- Anand Nagar, Chas (Bokaro), P.O. & P.S.- Chas, District- Bokaro (Jharkhand)

.... Petitioner/s

Versus

1. The Magadh University, Bodh Gaya through its Registrar.
2. The Vice Chancellor of the Magadh University, Bodh Gaya.
3. The Registrar of the Magadh University, Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Respondent/s : Mr. Shivendra Kishore, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 24-08-2017

Heard learned counsel for the parties.

2. The petitioner seeks a direction to the Magadh University, Bodh Gaya to consider and issue *no objection* certificate to the petitioner's Society for opening a teachers training institution under the State.

3. Availability of *no objection* certificate is mandatory for grant of recognition under the NCTE Act. Inspection for the said purpose is going on in the State of Bihar.

4. In the counter affidavit filed on behalf of the University, a stand has been taken that the University has decided not to grant *no objection* certificate to such institution for the present.



5. For the present, in this case, I do not intend to go into the legality or otherwise of the policy decision of the Magadh University of not to grant *no objection* certificate to any such institution. Application of the petitioners'-College cannot be accepted for recognition by the NCTE for the current session in the absence of *no objection* certificate.

6. Considering the facts and circumstances of the case, I dispose of this writ application with an observation that the petitioner shall be at liberty to approach the Magadh University, Bodh Gaya for grant of *no objection* certificate and satisfy the University about the need of such institution.

7. My attention has been drawn to a decision of the University, whereby the petitioner's application for issuance of *no objection* certificate has been refused in accordance with the said policy decision of the University. If that is so, the University is under obligation to refund the inspection fee, if any, which the University had taken from the petitioner for conducting an inspection for grant of *no objection* certificate.

8. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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