

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13567 of 2018

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Ram Kripal Singh Teacher Training College, Through Its Secretary Dinesh Kumar Singh, S/o Ram Kripal Singh, residence /Mohalla Arnaut, P.O. Wera, Via Harnaut, P.S. Wera, District- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Human Resource Department, Patna.
2. The Magadh University, Bodh Gaya, through its Registrar.
3. The Vice Chancellor, Magadh University, Bodh Gaya, Bihar.
4. The Registrar, Magadh University Bodh Gaya, Bihar.
5. The Inspector of Colleges, Magadh University, Bodh Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11747 of 2018

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Kamleshwari Prasad Singh Teachers Training College Through Its Secretary Shiv Chandra Prasad, Son of Kamleshwar Prasad Yadav, Teka Bigha, P.O.- Lakhanpura, P.s.- Bakhtiyarpur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Human Resource Department, Patna
2. The Magadh University, Bodh Gaya, through its Registrar.
3. The Vice Chancellor, Magadh University, Bodh Gaya, Bihar.
4. The Registrar, Magadh University, Bodh Gaya, Bihar.
5. The Inspector of Colleges, Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 13567 of 2018)

For the Petitioner/s : Mr. Shri Nath Pathak

For the Respondent/s : Mr. Kameshwar Kumar -GP-17

(In Civil Writ Jurisdiction Case No. 11747 of 2018)

For the Petitioner/s : Mr. Prashant Kumar

For the Respondent/s : Mr. Madhaw Prasad Yadav -GP-23

For Magadh University : Mr. Shivendra Kishore, Sr. Advocate

For Patliputra University : Mr. Dr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-07-2018

Both these writ petitions have been heard together



with the consent of the parties and are being disposed of by this common judgment and order.

2. There is no dispute over the fact that Ram Kripal Singh Teacher Training College, Arnaut in the District of Nalanda and Kamleshwari Prasad Singh Teachers Training College, Teka Bigha, Patna are recognized by National Council for Teacher Education (NCTE). In terms of the said recognition with permission of an intake capacity of 100 students, Magadh University, Bodh Gaya had granted affiliation through notification dated 12.07.2013. There is thus, no dispute about the fact that the College is affiliated with Magadh University. This is also not in dispute that subsequently NCTE has in exercise of power under Section 15(3) (b) of the National Council for Teacher Education, Act 1993, enhanced the student capacity from 100 to 150 from the academic Session 2018-19 for the B.Ed. Course. In view of the fact that the affiliation by the Magadh University was granted only for intake capacity of 100 students in the light of the intake capacity as allowed by the NCTE earlier, the petitioners approached the Magadh University in January, 2018 to allow additional intake. Responding to the said request made by the College, Magadh University through its letter dated 07.03.2018 demanded from



the petitioner of CWJC No. 13567 of 2018 a sum of Rs. 5 lacs for the purpose of inspection of the College, in view of additional intake of 50 students allowed by the NCTE.

3. There is yet another undisputed fact. With the amendment in Bihar Universities Act, a new University has been carved out from Magadh University, namely, Patliputra University, Patna, within whose jurisdiction, now the petitioning Institution falls.

4. On perusal of the letter dated 07.03.2018, written by the Magadh University, Bodh Gaya, I am of the view that the said communication is thoroughly incompetent since the University did not have any jurisdiction to demand any inspection fee on enhancement of intake capacity. No statutory provisions nor any decision by a competent authority has been shown to me to justify the said decision of the University to demand Rs. 5 lacs for inspection that too, in view of the enhancement of intake capacity by the NCTE. The communication dated 07.03.2018 is, accordingly, quashed.

5. In the counter affidavit filed on behalf of the Magadh University, it has been stated that the entire records in relation to grant of affiliation of the petitioning institutions have been transferred to the newly created Patliputra University,



Patna, which came into existence with effect from 18.03.2018. Since there is no dispute about the decision of the NCTE for enhancing the intake capacity of the Institution, I direct that the intake capacity of the Institutions shall be treated to be 150 by all concerned, for all purposes, if there is no dispute about grant of additional intake capacity by NCTE as noticed above.

6. These writ applications are allowed with the observation as above.

(Chakradhari Sharan Singh, J)

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