

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.164 of 2018

In

Civil Writ Jurisdiction Case No. 20373 of 2016

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1. Basundhara Teachers Training College, Muzaffarpur through Its Chairman, Dr. Uma Shankar Roy, Son of Late Deo Narayan Roy, The Chairman of Basundhara Teachers' Training College (Unit North Bihar Educational Trust), N.H. 28, Silout Bishanpur Jainarayan (Near Markan Chowk), P.S.- Mahant Maniyari, Dist.- Muzaffarpur, Bihar- 843119.

2. The Chairman of Basundhara Teachers' Training College, N.H. 28, Silout (Near Markan Chowk), Muzaffarpur- 843119.

.... Petitioners

Versus

1. B. R. Ambedkar Bihar University, Muzaffarpur through its Registrar.

2. Dr. Amrendra Narayan Yadav, Vice Chancellor, B.R.A. Bihar University Muzaffarpur.

3. Dr. Ajay Kumar Srivastava, Registrar, B.R.A. Bihar University, Muzaffarpur.

4. Vivekanand Shukla, Present Registrar, B.R.A. Bihar University, Muzaffarpur.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Raju Giri
Mr. Santosh Kumar Mishra,
Advocates.

For university : Mr. Pushkar Narayan Shahi, Sr. Adv.
Mr. Arvind Nath Pandey, Adv.

For opposite party No. 3: Mr. Sandeep Kumar
Mr. Ajit Kumar,
Advocates.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

6 28-06-2018 Heard Mr. Raju Giri, learned counsel, appearing on behalf of the petitioners, Mr. Pushkar Narayan Shahi, learned Senior Counsel, appearing for B.R. Ambedkar University and the Vice-Chancellor of the University Mr. Arvind Narayan Yadav. Mr. Sandeep Kumar learned counsel represents the opposite party



No. 3, Dr. Ajay Kumar Srivastava, the previous Registrar of the university, in whose place, opposite party No. 4 has recently joined as Registrar.

A show cause reply has been filed today on behalf of the Vice-Chancellor stating therein that this court's order has been fully complied with, with the issuance of the office order dated 21-06-2018 read with subsequent office order dated 25-06-2018.

By virtue of the two office orders, the Basundhara Teacher's Training College, Silout, Muzaffarpur has been granted affiliation for running B.A, B.Sc, B.Ed Four-year integrated Course with the number of seats, as allowed by the National Council for Teacher's Training Education (NCTE).

Learned counsel appearing on behalf of petitioner however, points out that the office order dated 26.06.2018 refers to grant of affiliation "In anticipation of approval of Senate and the State Government" as indicated in the letter No.1541 dated 08.06.2018 of the Governors Secretariat".

It is clarified that in view of law laid down by The Supreme Court in the case of **State of Maharashtra Vs Sant Dnyaneshwar Shikshan Shastra mahavidyalaya and Others, (2006) Vol.9 SCC 1**, an affiliating University has no other option but to grant affiliation once requisite recognition has been granted



by NCTE, in the light of the said resolution. There should not be any pre-condition for grant of approval by any authority for affiliation, in the light of said decision of the Supreme Court in the case of **Sant Dnyaneshwar** (supra). Since the opposite parties have substantially complied with the order of this Court, in my view, contempt for disobedience of this Court's order is not made out. This Court, however, expects the opposite parties to be careful in future, while implementing this Court's, order so as to avoid any serious consequences, entailing non-compliance of this court's orders.

The petition stands disposed of.

(Chakradhari Sharan Singh, J)

A.K.V./Anjula

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