

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2323 of 2016

In

Civil Writ Jurisdiction Case No.3802 of 2016

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1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
 2. The Director, Research and Training, Education Department Government of Bihar, Patna
 3. The Director, Higher Education, Education Department, Govt. of Bihar, New Secretariat, Patna
 4. The Director Administration - Cum - Joint Secretary, Education Department, Government of Bihar, New Secretariat, Patna

... .. Appellant/s

Versus

1. Diksha Educational Research Foundation Charitable Trust, Flat No. A - 51, Hathwa Raj Ganga, J.C. Road, Patna - 800004 through its, resident Director Sanjay Kunwar, Son of Sri Amarkant Kunwar, resident of village - Bakhraur, P.O. Bishunpura, P.S. Sidhwalia, District - Gopalganj (Bihar), Pin - 841407
2. Jai Prakash University, Chapra through the Vice Chancellor
3. The Vice Chancellor, Jai Prakash University, Chapra
4. The Registrar, Jai Prakash University, Chapra
5. N.C.T.E. Hans Bhawan, Bahadur Shah Zafar Marg, New Delhi through its Chairman
6. The Chairman, N.C.T.E. Hans Bhawan, Bahadur Shah Zafar Marg, New Delhi
7. The Regional Director, Eastern Regional Committee, N.C.T.E., Bhubneshwar, Orissa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinay Kumar Singh, Advocate,
For the Respondent/s : Mr. Amit Shrivastav, Advocate
Mr. Girish Pandey, Advocate



CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-07-2018

Delay of 143 days in filing of the appeal is condoned and I.A. No.4167 of 2017 is allowed and disposed of.

Even though in view of the law laid down by the Hon'ble Supreme Court in the case of Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P., (2013) 2 SCC 167, but in the peculiar facts and circumstances of the present case with regard to the academic session in question i.e. 2014-15, we find that the National Council for Teachers Education (NCTE) had granted approval to the institute in question and when the writ petition came up for hearing on 30th of June, 2016 i.e. more than two years back, the learned Writ Court found that the Registrar, Jai Prakash University, Chapra had also granted affiliation to the college in question and therefore the learned Writ Court did not interfere into the matter, once for the academic session in question the N.C.T.E. and the University had granted approval and affiliation, now we see no reason to make any indulgence into the matter.



We have no hesitation in holding that the State Government does have a limited role in granting approval to an institution, but in the facts and circumstances if the approval has been granted by both the statutory authorities, for the present, we are not inclined to reopen the issue in question.

With the aforesaid, finding no indulgence to be made for the present, we dispose of the appeal.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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