

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13401 of 2018

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Allama Iqbal College, Biharsharif, P.S. - Biharsharif, District - Nalanda
through Professor-in-charge Dr. Abdul Moid Karimi Son of Late Abdul
Khalique Resident of Village - Kashi Takiya, P.S. Laheri, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, New Secretariat Building,
Bihar, Patna.
3. The Director, Secondary Education, Education Department, New Secretariat,
Patna.
4. The Bihar School Examination Board (Higher Secondary) Budh Marg Patna
through its Secretary.
5. The Secretary, Bihar School Examination Board (Higher Secondary) Budh
Marg, Patna - 1.

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

5 21-08-2018 This writ application has been filed seeking following
relief(s):-

“(i) To command the respondents,
particularly respondent No.3, to accord
permanent approval/permission for increase
of one more section in Science faculty (128
students) in the petitioner’s College, as the
date for Registration of Students for
Intermediate Annual Examination (Sessions
2017-19) would be done and completed
between 05.07.2017 to 20.07.2018. The said
information is made public through Press
Communique in Hindi daily, ‘Dainik



Bhaskar' under Advertisement No.- P.R. 114/2018 dated 04.07.2018.

(ii) To hold and declare that the petitioner's College is entitled to have one more section in Science as contemplated and recommended under letter of respondent no.5 contained in memo No. BSEB(SS)/Coll/Estb/7173/D-15 dated 21.01.2015.

(iii) To order the respondents to allow registration of students of one section of Science faculty in Allama Iqbal College, Biharshariff who have taken their admission in the college for the Sessions 2017-19 above, and allow them to appear in Intermediate Annual Examination above in the facts and circumstances of the case.”

2. In view of the nature of statement made in the counter affidavits filed on behalf of the State of Bihar and the Bihar School Examination Board, the Court was constrained to pass the following order on 16.08.2018:-

“Counter affidavits have been filed on behalf of the State of Bihar and Bihar School Examination Board. There is no dispute over the fact that the Bihar School Examination Board, exercising authority under the affiliation Regulations, had already requested the Director, Secondary Education, to grant



permanent permission for one section in Arts and three sections in Science in the college in question through letter dated 21.01.2015, which has been brought on record by way of Annexure-4 to this writ application.

The respondents are, however, shifting the buck on each other on the question of grant of permission for additional one Science section in the College. It is the stand of the Board that recommendation has already been made in this regard to the State Government and it is the State Government, on the other hand, has taken stand in paragraph no. 14 and 15 of counter affidavit, as under:-

“14. That besides, it would be relevant to state here that the Director, Secondary Education vide his letter No. 418 dated 08.08.2018 has directed the Secretary of the Board that as per provisions enshrined in Bihar School Examination Board Affiliation Rules 2011 (Amended Rules 2013) the determination of additional section in view of the number of students has to be approved by the Board and accordingly he was asked to provide statement of facts in their report.

15. That the Director (Academic) of the Board vide his letter No. 520/D- 18 dated 09.08.2018 has opined that after physical verification of basic infrastructure i.e. class rooms,



laboratory, library, teaching and non-teaching staffs etc. the decision for increasing of seat has to be taken. It has also been indicated therein that the petitioner has deposited the prescribed fee for increasing the seat for one section of 128 students and sanction for increasing seat is under process.

Before the Court adjudicates upon the question as to who is the competent authority to take a final call for grant of permission in accordance with law, the Court directs the Principal Secretary, Education Department, and the Chairman of Bihar School Examination Board to hold a meeting and consider the nature of controversy involved in this case on 20.08.2018. the outcome of the said meeting should be communicated to this Court on 21.08.2018.

List this case on 21.08.2018.

Let this order be communicated to the Principal Secretary, Education Department and the Chairman of Bihar School Examination Board forthwith.”

3. Today, two counter affidavits have been filed; one on behalf of the State-respondents and the other on behalf of respondent-Bihar School Examination Board, from which it appears that pursuant to this Court's order as noted



above, there was a meeting held on 20.08.2018, between the Principal Secretary, Education Department, Government of Bihar and the Chairman, Bihar School Examination Board. It further transpires that the State Government, upon deliberations in the meeting has granted permanent approval of additional one Science Section in Allama Iqbal College, Biharshariff at Nalanda at Intermediate Level. The grievance of the petitioner to the aforesaid extent stands redressed.

4. Mr. Manoj Priyadarshi, learned counsel for the petitioner has submitted that the students of the College need to be registered with the Bihar School Examination Board and last date of registration as prescribed by the Bihar School Examination Board has lapsed on 09.08.2018. In such circumstance, he seeks a direction to the Board to extend the date of registration up to an appropriate date so as to allow the students of the College to get registered.

5. I direct the Chairman of the Bihar School Examination Board to take a decision in this regard, so that the students of the College in question, are allowed to be registered with the Board for the Session 2017-19.

6. Mr. Priyadarshi, learned counsel for the petitioner has submitted that the requisites have already been



submitted with the Board for the purpose of registration of the students.

7. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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