

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13298 of 2018

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St. Xavier College Of Education, Digha Ghat, Patna, through its Principal cum Secretary of the Governing Body, Thomas Varghese @ Fr. Thomas Perumalil S.J., Resident of St. Michael's High School Jesuit Residence, Digha Ghat, P.S. Digha, District- Patna.

.... Petitioner/s

Versus

1. State of Bihar , through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. Chancellor of the Universities of Bihar, Governor's House, Bihar Patna through Principal Secretary, Governors Secretariat, Patna.
3. Aryabhatta Knowledge University Patna through the Vice Chancellor, Aryabhatta Knowledge University, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.M.Joseph, Advocate
For the State : Mr. Sunil Kumar, A.C. to G.A.-12
For Chancellor : Mr. Rajendra Kumar Giri, Advocate
For Respondent No.3 : Mr. Awadhesh Kuamr, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 16-07-2018

The petitioner is one of the five minority institutions in the State of Bihar conducting Teachers' Training Course. Aggrieved by decision of the Chancellor as contained in BSU (Regulation)-16/2015/GS(1) dated 30.5.2018 issued under the signature of the Officer on special Duty (Judicial), Governor's Secretariat, this application has been filed. Through the said letter dated 30.05.2018 the exemption granted to the petitioner from requirement of admission in B.Ed course only on the basis of Combined Entrance Test has been revoked. Thus, the petitioner, though a minority institutions can



undertake admission in B.Ed course only on the basis of result of Combined Entrance Test.

What is not in dispute is that before this decision was taken, deliberations were held on the question of requirement of Common Entrance Test even for minority institutions and in one of the meetings held in the Chancellor's office, one representative of the petitioner's institution was also present. No objection was raised to the decision to hold Common Entrance Test for admission in such Institutions.

Learned counsel appearing on behalf of the petitioner states that as a matter of fact, the petitioner does not have any grievance against admission on the basis of Combined Entrance Test. He, however, contends that the fundamental right of the petitioner as a minority institution should not be allowed to be infringed in the name of holding of Combined Entrance Test.

I do not find any substance in the apprehension being raised on behalf of the petitioner in view of clear stipulation in the proceedings of the meeting of Minority B.Ed. Institutions held on 14.6.2018, which has been brought on record by way of Annexure-13 of the supplementary affidavit filed on behalf of the petitioner which clearly stipulates that at the time of taking admission, Minority Institutions may enjoy their constitutional right. The law does not



require to be reiterated that fundamental right of minority institutions to undertake admission of candidates of its own choice is intact, subject to the condition that such admissions are allowed only on the basis of Combined Entrance Test. The impugned letter doesn't require interference.

This application stands disposed of, however, with the aforesaid observation.

(Chakradhari Sharan Singh, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27-07-2018
Transmission Date	

