

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19262 of 2018

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1. Mahatma Buddha Teacher Training College Dhrub Nagar, Panch Mile, P.O. Kamaldah, District- Sitamarhi through its Secretary, namely Dhrub Kishore Mahato.
 2. R.S.S. College (T.T Wing) Chochahan Muzaffarpur, through its Administrator namely, Rajiv Raanjan.
 3. L.P. Shahi Institute of Teachers Education, Dighra, Rampur Saha, Muzaffarpur, through its Principal, Prabhat Kumar.
 4. Siddique Memorial Teacher Training College, Sarmatpur, P.O. Chandanpatti, Muzaffarpur through its Principal Dr. Ganesh Shankar Vidyarthi.
 5. L.N. Mishra College of Business Management Bhagwanpur Chowk Muzaffarpur, through its Registrar, namely Kumar Shartendu Shekhar Son of Late Nigamanand Kumar.
 6. Kumar Shartendu Shekhar, Son of Late Nigamanand Kumar. presently posted as Administrative Officer Cum Registrar L.N. Mishra College of Business Management Bhagwanpur Chowk Muzaffarpur.

... .. Petitioner/s

Versus

1. B. R. Ambedkar Bihar University, Muzaffarpur through its Registrar.
2. Vice Chancellor B.R. Ambedkar Bihar University, Muzaffarpur.
3. Registrar B.R. Ambedkar Bihar University, Muzaffarpur.
4. State of Bihar through the Chief Secretary, Government of Bihar Patna.
5. Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
6. Chancellor of Universities of Bihar, Raj Bhavan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr. Advocate Mr. Binodanand Mishra
For BRA Bihar University		Mr. Anil Singh
For Chancellor		Mr. Rajendra Kumar Giri chan
For the Respondent/s	:	Mr. Smt.Binita Singh -Sc28

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 12-10-2018 The petitioners are Teachers Training Colleges and are aggrieved by a communication issued on 19.09.2018 by the Registrar, B.R.A. Bihar University. Muzaffarpur, whereby the Colleges have been restrained from charging any amount over



and above Rs. 1,00,000/- as course fee. The said letter has been brought on record by way of Annexure-5 to I.A.No. 7563 of 2018, on reading of which it appears that the same is based on the decision of the State Government dated 14.03.2016, whereby the State Government has prescribed a sum of Rs. 1,00,000/- payable by the students as course fee for the said course.

2. It is the case of the petitioners that the University itself had announced the fee structure in the prospectus issued for the said B.Ed. course, a sum of Rs. 1,30,000/- to be course fee. Relevant portion of the prospectus has been brought on record by way of Annexure-1 to the writ application. It is accordingly the case of the petitioners that the said course fee was decided by the University itself for the academic session 2015-17.

3. The petitioner has placed reliance on a Division Bench decision of the Court in the case of **Mirza Ghalib T.T. College and others** and analogous cases **Vs. State of Bihar and others**, as reported in **2017 (1) PLJR 256**, to contend that earlier Regulation and Ordinance for Admission in two-year Bachelor of Education (Secondary) Programme under the Universities of Bihar, published under the orders of the



Chancellor, the Universities of Bihar, whereby, *inter alia*, fee structure was prescribed, based on which students were to be charged their tuition and other incidental fees by such institutions, was put to challenge. In the said Ordinance, a sum of Rs. 95,000/- was fixed as the total course fee for two years B.Ed. course to be charged by the privately managed unaided teachers training colleges. This Court dealing with the said aspect of the order, held the said fee structure to be unsustainable, in the absence of any material available on record for arriving at the said fee structure. The said decision was rendered on 27.10.2016. The petitioners have also relied on another decision of this Court, passed on 20.06.2018 in CWJC No. 10534 of 2017 (**Secretary, Prakash B.Ed. Teachers Training College, Chetan, Chhapra and another vs. The State of Bihar and others**) and another analogous case, whereby and whereunder, upon an exercise carried out by a Committee constituted under the orders of this Court has found that a privately managed unaided teachers training institution can charge the course fee as a maximum amount of Rs. 1,50,000/- as course fee for B.Ed. course. The Committee so constituted under the orders of this Court had opined that a sum of Rs. 1,36, 840/- would be a reasonable course fee to be



charged for two-year B.Ed. course.

4. A counter affidavit has been filed on behalf of the University, stating that earlier, through a letter No. BSU (Regulation)-16/2015-1283/GS(1), dated 02.09.2015, the course fee was fixed at 95,000/-. Subsequently, the said course fee was fixed at Rs.1,00,000/- by the State Government, vide Notification No. 12/Est. 03/2014 dated 14.03.2016. It is contended that in view of the State Government decision dated 13.03.2016, the University implemented the said decision and reduced the course fee for the session 2015-17 from Rs. 1,30,000/ to Rs. 1,00,000/-

5. Mr. P.K. Shahi, learned Senior Counsel, appearing on behalf of the petitioners, has submitted that the communication dated 19.09.2018 is un-called for and beyond jurisdiction. He has contended that merely on the basis of the State Government's decision, as contained in the letter dated 14.03.2016, the University could not have brought down the fee structure for the academic session 2015-16 to Rs.1,00,000/-. He has contended that when the University itself had decided Rs. 1,30,000/- to be the course fee for the academic session 2015-17, after more than three years, the University should not have taken such decision. He argues that, in any view of the



matter, this Court has held Rs. 1,50,000/- to be appropriate maximum course fee for two-year B.Ed. course which can be charged by privately managed unaided teachers training college/institution.

6. Mr. Anil Singh, learned counsel, appearing on behalf of the University, on the other hand, has submitted that the case of **Secretary, Prakash B.Ed. Teachers Training College** (supra) will have no application in the present case, since it has been made clear in the said decision that maximum course fee, as prescribed therein, is in relation to the academic year 2016-17 and not for the prior academic session. He would contend that for the academic session 2015-16 since there was no statutory maximum course fee prescribed nor any such course fee was prescribed by the competent authority, based on the decision of the State Government, the University decided to prescribe the minimum course fee of Rs. 1,00,000/-, which cannot be said to be unreasonable and without any basis. He has contended that after issuance of the prospectus, the Chancellor's decision prescribing Rs. 95,000/- as maximum course fee chargeable for the B.Ed. course came to be prescribed and, therefore, course fee prescribed in the prospectus, lost its significance.



7. I have considered the rival submissions made on behalf of the parties and I have perused the pleadings on record.

8. It is true that the Chancellor, Universities of Bihar, had prescribed the course fee structure at the rate of Rs. 95,000/- chargeable by the privately managed unaided teachers training colleges for B.Ed. course. The said decision of the Chancellor was interfered with by a Division Bench of this Court rendered in the case of **Mirza Ghalib T.T. College** (supra). This Court found that there was no material basis available on record for the office of the Chancellor to have arrived at such fixation of the course fee. Apparently thus, as on the date when the judgment in the case of **Mirza Ghalib T.T. College** (supra) was rendered, there was no definite course fee prescribed for all the B.Ed. Colleges in the State of Bihar. The fee structure for 2015-17 was prescribed by the B.R.A. Bihar University at the Rate of Rs. 1,30,000/- which is not in dispute. The plea that the Court's decision in the case of **Secretary, Prakash B.Ed. Teachers Training College** (supra) shall have application for the academic session 2016-17 onwards and, therefore, the petitioners should not charge a sum more than Rs. 1,00,000/- for the academic session 2015-17 is not acceptable for the simple reason that in the case of **Secretary, Prakash B.Ed.**



Teachers Training College (supra) this Court prescribed maximum sum of Rs. 1,50,000/- as course fee, which could be charged by the privately managed unaided teachers training institution for the B.Ed. Course. In that background, it was specifically mentioned that this maximum course fee could not apply even for the academic years prior to 2016-17. It is not that the petitioners are charging the course fee on the basis of the decision of this Court rendered in the case of **Secretary, Prakash B.Ed. Teachers Training College** (supra), rather they are charging the course fee on the basis of what was mentioned in the prospectus issued by the University itself, based on which the students were admitted.

9. I also find substance in the submission made by Mr. P.K.Shahi that there was no reason for the University to have issued the impugned letter dated 19.09.2018, asking the institutions, in question, to charge Rs.1,00,000/- for the academic session 2015-17 when the session was already over and the institutions, based on the prospectus issued by the University could have charged a sum of Rs. 1,30,000/- as the course fee.

10. It is the case of the University that it took the decision prescribing only Rs.1,00,000/- to be course fee for the



academic sessions 2015-17 on the basis of the representations filed by some of the students of the Colleges, which have been brought on record by way of Annexure-R/1 series to the counter affidavit. The students were aware of the fee structure, as disclosed in the prospectus at the time of their admission in 2015. In such view of the matter, the University could not have unilaterally decided to lower down the course fee, which was fixed at Rs. 1,30,000/- by the University itself.

11. In view of above discussions, the impugned decision of the University requires interference. The letter dated 19.09.2018 is accordingly set aside.

12. This writ application stands allowed.

(Chakradhari Sharan Singh, J)

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