

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6628 of 2019

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R. P. B.Ed. College Plot Nos. 931, 932, 934, 896, Nawada Road Vill- Matuk Bigha, P.O.-Babhnaur, P.S. Hisua, Distt. Nawada, Bihar, Pin- 805103, through its Secretary, Devendra Kumar. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Bihar, Patna.
2. The National Council for Teacher Education, Hans Bhawan, Wing-II, Bahadur Shah Zafar Marg, New Delhi, through its Member Secretary.
3. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15, Neelakantha Nagar, Nayapalli, Bhubneshwar, (Odisha)- 751012.
4. The Additional Secretary, Governors Secretariat, Bihar Raj Bhawan, Patna- 800022.
5. The Vice-Chancellor, Magadh University, Bogh Gaya, Gaya.
6. The Registrar, Magadh University, Bodhgaya, Gaya.
7. Nalanda Open University, 3rd Floor, Biscomaun Bhawan, West Gandhi Maidan, Patna through its Registrar.
8. The State Nodal Officer-Cum-Vice Chancellor(NU), CET (Combined Entrance Test, B.Ed. - 2019 having office at Nalanda Open University, 3rd Floor, Biscomaun Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Mishra
For the Respondent/s	:	Smt.Binita Singh (Sc28)
For N.C.T.E.	:	Mr. Sunil Kr. Singh
	:	Mr. Ranvijay Singh
	:	Md. Azimuddin
For Magadh University	:	Mr. S. Keshav

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 02-05-2019

1. The present writ petition has been filed for directing the respondent- University to grant affiliation to the petitioner- College for the Session 2019-20 in terms of Section 14(6)(a) of the National Council for Teachers Education Act, 1993 (hereinafter referred to as the NCTE Act) and in



consonance of the order published in Gazette of India Part-III, Section 4 by the N.C.T.E., Eastern Regional Committee vide order dated 27.02.2019, whereby and whereunder the petitioner has been granted recognition for conducting B.Ed. Programme of two years' duration with an intake of 100 seats from the Academic session 2019-20 under Clause 7(16) of the N.C.T.E. (Recognition Norms & Procedure) Regulations, 2014.

2. The learned counsel for the petitioner has submitted that since the N.C.T.E., Eastern Regional Committee vide order dated 27.02.2019, has already granted recognition to the petitioner- College for conducting B.Ed. Programme of two years' duration with an intake of 100 seats from the Academic session 2019-20, there is no impediment for the respondent- University to grant affiliation to the petitioner- College. It is further submitted that an application dated 28.02.2019 has been submitted before the Vice-Chancellor, Magadh University for grant of affiliation to the petitioner- College but no action has been taken by the respondent- University.

3. *Per contra*, the learned Senior Counsel appearing for the respondent- Magadh University has submitted that according to the notification dated 25.04.2018 issued by the



Governors Secretariat, the last date for submission of the application for affiliation for the current session (2019-20 in the present case) is on or before 15th of September of the previous years, however the petitioner has submitted the requisite application for affiliation only on 28.02.2019, hence his case will be considered for the Session 2020-21.

4. At this juncture, the learned counsel for the petitioner has referred to the Schedule prescribed by the Hon'ble Apex Court for recognition and affiliation in a case reported in *(2013) 2 SCC 617 (Maa Vaishno Devi Mahila Mahavidyalay v. State of U.P. and others)*. Relying on the said judgment, it is submitted, by referring to paragraph no. 87.1.13 that as per the Schedule prescribed by the Hon'ble Apex Court, the last date for submitting proposal for affiliation is "by 10th March of each year" and the petitioner has submitted his application for affiliation before the respondent- University on 28.02.2019 i.e. well within the prescribed time frame.

5. Upon a query being put to the Ld. Senior Counsel appearing for the Magadh University, he was unable to either refute the ratio laid down in the aforesaid judgment rendered in the case of *Maa Vaishno Devi Mahila Mahavidyalay (supra)* or deny that the Schedule prescribed therein would be applicable in



the case of the petitioner herein.

6. Having regard to the facts and circumstances of the case and having heard the learned counsel for the parties, this Court is of the opinion that the directions issued by the Hon'ble Apex Court as also Schedule prescribed for the purposes of recognition and affiliation by the Hon'ble Apex Court are sacrosanct and cannot be either ignored or disobeyed by anyone, being law of the land by virtue of Article 141 of the Constitution of India. Hence following the ratio laid down in the aforesaid judgment rendered by the Hon'ble Apex Court in the case of *Maa Vaishno Devi Mahila Mahavidyalay (supra)* as also considering the schedule prescribed in the said judgment, this Court holds that the petitioner has filed the application for affiliation before the respondent- University for the Session 2019-20 within the prescribed time frame, hence the University is directed to process the same in accordance with law.

6. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2019
Transmission Date	NA

