

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7386 of 2019

1. Shivani Verma Daughter of Arvind Kumar Verma, Resident of Village/Mohallah-mahashiv Vatika, Road No.11, Ashok Nagar, P.O.-Lohia Nagar, P.S.-Kankarbagh, District-Patna, Pin Code-800020 (Bihar).
2. Shivanjali Kumari Daughter of Surya Mohan Panjiyar, Resident of Village/Mohallah-Gola Road, Inklab Apartment, P.O.-Danapur, P.S.- Rupaspur, District-Patna (Bihar).
3. Shweta Kumari Daughter of Suresh Prasad, Resident of Village/Mohallah-Qtr. No. C/5, Road No.2, Near Apna Ghar, Punai Chak, P.O. and P.S.-Shastri Nagar, District-Patna, PIN Code-800023 (Bihar).
4. Supria Kumari, Daughter of Niraj Kumar Thakur, Resident of Village/Mohallah-Sormarhat,, Chakmeshi, P.O. and P.S.-Chakmeshi, District-Samastipur (Bihar).
5. Swati Kumar Daughter Dhananjay Kumar Resident of Village/Mohallah-Vrindavan Colony, Walmi, P.O. and P.S.-Phulwarisharif, District-Patna (Bihar).
6. Vineta Kumari Daughter of Bimal Kumar Pathak Resident of Village/Mohallah-Ram Nagar, Gola Road, Danapur, P.O.-Danapur, P.S.-Rupaspur, District-Patna (Bihar)
7. Zainul Abedin, Son of Lukman Ansari Resident of Village/Mohallah-Katohar, P.O.-Mubarakpur, P.S.-Cheful, District-Saran, PIN Code-841209 (Bihar).
8. Roushan Kumar Son of Ashok Ray, Resident of Village/Mohallah-108, P.N.B. Gali, Shahpur, P.O.-Danapur, P.S.-Khagaul, District-Patna, PIN Code-801502 (Bihar).
9. Kaveri Sinha Daughter of Prabhakar Prasad Sinha Resident of Village/Mohallah-Station Road, Tilak Nagar, P.O. and P.S.-Begusarai, District-Begusarai (Bihar).
10. Abhinay Kumar Son of Ramudit Prasad Resident of Village/Mohallah-Chhoti Paithana, P.O. and P.S.-Paithna, District-Nalanda, PIN Code-801303 (Bihar)
11. Chandni Sinha Daughter of Prabhakar Prasad Sinha Resident of Village/Mohallah-Station Road, Tilak Nagar, P.O. and P.S.-Begusarai, District-Begusarai (Bihar).
12. Chandan Kumar Son of Ajeet Kumar Sharma Resident of Village/Mohallah-Sarasat, naubatpur, P.O. and P.S.-Naubatpur, District-Patna, PIN Code-801109 (Bihar).
13. Abhinash Kumar Jha, Son of Bipin Kumar Jha, Resident of Village/Mohallah-Chandmari Road, P.O. and P.S.-Kankarbagh, District-Patna, Pin Code-800020 (Bihar)
14. Priyanka Kumar Daughter of Ram Nandan Prasad Resident of Village/Mohallah-Naya Tola, P.O. Bankipur, P.S.-Pirbahore, District-Patna, PIN Code-800004 (Bihar)
15. Gulafshan Fiedaus Daughter of Md. Quiyum Ansari Resident of Village/



- Mohallah-Dhamaul, P.O. and P.S.-Nawada, District-Nawada, Pin Code-805101 (Bihar)
16. Harsh Kumar Son of Ram Pujan Sharma Resident of Village/ Mohallah-IBrahimpur P.O. and P.S.-Naubatpur, District-Patna, Pin Code-801109 (Bihar)
 17. Alka Aditi Daughter of Vijay Kumar Mandal Resident of Village/ Mohallah-Anandpuri, West Boring Road, P.O. and P.S.-Buddha Colony, District-Patna, Pin Code-800001 (Bihar).
 18. Ashish Priya, Son of Ajay Kumar Sinha Resident of Village/ Mohallah-Naya Tola, P.O. and P.S.-Madhopur, District- Munger (Bihar).
 19. Garima Daughter of Ajay Kumar Srivastava Resident of Village/ Mohallah-Road No.2 Rajbanshi Nagar Hanuman Mandir, Phulwari, Lal Bahadur Shastri Nagar, P.O. and P.S.-Shastri Nagar, District-Patna, Pin Code-800023 (Bihar)
 20. Guriya Kumari Daughter of Satyendra Mistri and Wife of Shivpujan Kumar Sharma Resident of Village/ Mohallah-Rajapur, Mainpura, P.O. and P.S.-Buddha Colony, District-Patna, Pin Code-800001 (Bihar).
 21. Indrajeet Kumar Son of Siya Ram Sharan, Resident of Village/ Mohallah-Rajeev Nagar, Road No. 26A, P.O.-Keshari nagar, P.S.-Rajeev Nagar, District-Patna, Pin Code-800024 (Bihar).
 22. Koena, Daughter of Bidya Sinha Resident of Village/ Mohallah-B.N.Jha Road, Murarpur, P.O. and P.S.-Gaya District-Gaya, Pin Code-823001 (Bihar).
 23. Mona Kumari Daughter of Ashok Kumar Yadav Resident of Village/ Mohallah-Khajpura, P.O.-B.V. College, P.S.-Airport, District-Patna, Pin Code- 800014 (Bihar).
 24. Narendra Kumar Son of Ramjanki Panjiyar, Resident of Village/ Mohallah-Araria, P.O. and P.S.-Araria, District- Sitamarhi, Pin Code-843330 (Bihar)
 25. Neha Kumari Daughter of Shambhu Prasad Bhagat, Resident of Village/ Mohallah-bari Chak Jamalpur, Ward No.11, P.O. Jamalpur, P.S.-Gogari, District-Khagaria, Pin Code-851203 (Bihar)
 26. Nitish Kumar Son of Mahendra Kumar Akela, Resident of Village/ Mohallah-Telhara, Tarpar, P.O. and P.S.-Nalanda, District-Nalanda (Bihar)
 27. Pallavi Sinha, Daughter of Kapil Deo Prasad Resident of Village/ Mohallah-New Bangali Tola, Indra Nagar, P.O. and P.S.-Phulwarisharif, District-Patna, Pin Code-800001 (Bihar)
 28. Prakash Kumar Son of Jawahar Prasad Resident of Village/ Mohallah-Ramgarhwa Bazar, P.O. and P.S.-Ramgarhwa, District-East Champaran, Pin Code- 845433 (Bihar)
 29. Prakhya Rani Daughter of Prafulla Chandra Mishra Resident of Village/ Mohallah-Road No. 15B, Rajeev Nagar, P.O.-Keshri Nagar, P.S.-Rajeev Nagar, District-Patna, Pin-Code-800024 (Bihar).
 30. Rajeev Ranjan Son of Shyam Nandan Tiwary Resident of Village/ Mohallah-Basopatti, P.O. and P.S.-Basopatti, District Madhubani, Pin Code-847225 (Bihar).



31. Priyanka Kumari Daughter of Lalan Singh Resident of Village/ Mohallah-Madhopur, P.O.-Rukunpura, P.S.-Didarganj, Fathua, District-Patna, Pin Coide-803201 (Bihar)
32. Rajni Kumari Daughter of Anuj Kumar Resident of Village/ Mohallah-Ram Vilash Building, Bailey Road Navneet Colony, P.O.-B.V.-College, P.S.-Airport, District-Patna, Pin Code- 800014 (Bihar).
33. Ramesh Kumar Singh Son of Kashi Nath Singh, Resident of Village/ Mohallah-Shitalpur, Maniadhi, P.O.-Maniadih, P.S.-Tundi, District-Dhanbad, Pin Code-828109 (Jharkhand).
34. Ravi Ranjan Son of Teepan Parasad Resident of Village/ Mohallah-Shiv Mandir, Chakjan, P.O. and P.S.-Naubatpur, Sarasat, District-Patna, Pin Code-801109 (Bihar).
35. Ravi Ranjan Son of Krishna Nandan Singh Resident of Village/ Mohallah-Maranchi, Ward No.2, P.O. and P.S.- Maranchi, District-Patna, Pin Code-803301 (Bihar).
36. Saurabh Shekhar Son of Dev Prakash Tathak, Resident of Village/ Mohallah-1103, Shastri Nagar, Brhinfkonark Cinema, P.O. and P.S.-Jamalpur, District-Munger, Pin Code-811201 (Bihar)

... .. Petitioner/s

Versus

1. Maulana Mazhural haque Arabic and Persian University, 34, Ali Imam Path (Hardinge Road), Patna-800001 (Bihar), Through its Registrar.
2. Vice Chancellor, Maulana Mazhural Haque Arabic and Persian University, 34, Ali Imam Path (hardinge Road), Patna-80000 (Bihar)
3. Registrar, Mazhural Haque Arabic and Persian Univeristy,34, Ali Imam Path (Hardinge Road), Patna-800001 (Bihar)
4. Controller of Examination, Maulana Mazhural Haque Arabic and Persian University, 34, Ali Imam Path (Hardinge Road), Patna-800001 (Bihar).
5. National Council For Teacher Education, Eastern Regional Committee, Bhubneshwar through its Regional Director.
6. Nalanda open University, 3rd Floor, Biscouman Bhawan, Gandhi Maidan, Patna through Its State Nodal Officer Cum Registrar.
7. National B.E.D. College of Higher Education, Murgiachak Mohammadpur, Janipur, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raju Giri, Adv. Mr. Santosh Kumar Mishra, Adv.
For the Respondent/s	:	Mr.Rashid Izhar, Adv. Mr. Sunil Kumar Singh, Adv. Mr. Navind Prasad Singh, Adv. Mr. Narayan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL JUDGMENT

Date : 16-05-2019

The present writ petition has been filed by the petitioners for directing the Maulana Mazhural Haque Arabic & Persian University, Patna to accept the registration of the petitioners in the University and to accept the Examination Forms of B. Ed. Part-I Session 2018-20.

2. The brief facts of the case are that the petitioners are stated to be the students of National B. Ed. College, Patna and had taken admission in the said College for the Session 2018-20.

3. It is submitted by the learned counsel for the petitioner that the National B. Ed. College, Patna has been granted recognition by the National Council for the Teacher's Education, (NCTE), Eastern Regional Committee, Bhubaneshwar vide letter dated 02.05.2017 for the Academic Session 2017-18, having intake capacity of 100 students. It is submitted that the said college is also affiliated with the University. It is the submission of the learned counsel for the petitioners that since the petitioners have qualified in the Combined Entrance Test conducted by the Nalanda Open University in the year 2018 for admission in B.Ed. Course for the session 2018-20 and they have taken admission in the aforesaid college against the seat for which there is recognition



by the National Council for Teachers Education (NCTE) as also affiliation by the University, their names should be registered in the University in B. Ed. Course 2018-20 and their examination form should be accepted and filled up by the University.

4. The respondents No. 1 to 4 i.e. the authorities of the Maulana Mazharul Haque Arabic & Persian University have filed a counter-affidavit wherein it has been stated that the Nalanda Open University had conducted Combined Entrance Examination in the year 2018 for admitting the students of the B. Ed. Course (CET-Bed. 2018-20) to various Colleges in the State of Bihar under the direction of the Governor's Secretariat, Bihar, as per Statute dated 03.05.2018. As per the said Statute, the students/ candidates were required to give choice of the University as well as the choice of the particular institution/ College where such candidates wanted to take admission and seat allocation was required to be made on the basis of the preference-cum- merit, subject to availability of seats in any institution/ college. It is submitted that the National Open University had prepared a list of selected students, college wise, whereafter the respondent University had invited the list of students admitted in compliance to the directions of National Open University and the Governor's Secretariat, from all the



colleges. After reviewing the same, as far as the National B. Ed. College is concerned, the University had returned ineligible students i.e. the petitioners herein on 26.03.2019. It is also submitted that the claim of the petitioners herein is not bonafide since the petitioners herein have been admitted by the respondent no.7 i.e. the National B. Ed. College of Higher Education, Murgichak, Mohammadpur, Janipur, Patna after the cut-off date fixed by the Hon'ble Apex Court in the case of **Maa Vaishno Devi Mahila Mahavidyalay vs. The State of U.P. & Ors.**, reported in (2013) 2 SCC 617, as also extended by the Hon'ble Apex Court till 11.8.2018. It is submitted that the B. Ed. College had filed application before the Hon'ble Apex Court for grant of permission to commence mid stream admission or exemption from the cut-off date fixed in the Maa Vaishno Devi College for the purposes of taking admission, however, the prayer made by the B. Ed. Colleges was rejected by the Hon'ble Apex Court by an order dated 20.09.2018 passed in W.P. (s) (Civil) No. 1091 of 2018.

5. Per contra, the learned counsel for the petitioners has submitted that the Nalanda Open University by an advertisement dated 15.08.2018 had extended the date for taking admission upto 17.08.2018 and the petitioners had taken



admission on 17.08.2018 as is apparent from the fee receipt issued by the National B. Ed. College of Higher Education.

6. I have heard the learned counsel for the parties and perused the materials on record and I find that the petitioners have admittedly been admitted by the respondent no.7 College beyond the cut-off date fixed by the Hon'ble Apex Court in the case of **Maa Vaishno Devi Mahila Mahavidyalay** (supra) wherein it has been stipulated that the schedule stated in the judgment rendered by the Hon'ble Apex Court in the case of College of Professional Education & Ors. Vs. the State of U.P. & Ors., reported in (2013) 2 SCC 721 as also in the said judgment in relation to admissions, recognition, affiliation and commencement of courses shall be strictly adhered to and disobedience of the same shall render the person concerned to be liable for proceedings under the Contempt of Courts Act, 1971 as also for departmental disciplinary action in accordance with law. As regards the advertisement published by the Nalanda Open University dated 15.08.2018, it would be suffice to state that the last date of admission cannot be extended by any one much less the Nalanda Open University in defiance of the order of the Hon'ble Apex Court, but nonetheless a bare reading of the said advertisement dated 15.08.2018 would show



that only those students/ candidates in whose cases, there has been a change in the college option on account of technical mistake or any anomaly, can approach the Nodal Officer of the University by filing an appropriate application on the Website by 17.08.2018. Thus, it is clear that the said advertisement dated 15.08.2018 neither helps the petitioners nor the defects qua the petitioners herein can be cured inasmuch as they had admittedly taken admission in the respondent no.7 College after the prescribed cut-off date, as fixed by the Hon’ble Apex Court, hence, this Court finds that there is no merit in the present writ petition. Thus, the same is dismissed.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.10.2019
Transmission Date	N/A

