

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10493 of 2019

-
1. Ram Kripal Singh Teacher Training College Village- Araut, Taluka/Tehsil- Chandi, P.O. and P.S.- Wena, District- Nalanda, Bihar- 803110 through the Secretary Dinesh Kumar Singh (M), aged about 57 years S/o Ram Kripal Singh R/o Village- Araut, P.O. and P.S.- Wena, District- Nalanda, Bihar- 803110.
 2. Kamleshwari Prasad Singh Teachers Training College, Village- Teka Bigha, P.O.- Lakhanpura, P.S.- Bakhtiyarpur, District- Patna, Bihar- 803202 through Secretary Shivchandra Prasad (M), aged about 33 years, S/o Kamleshwari Prasad Yadav, R/o Village- Teka Bigha, P.O.- Lakhanpura, P.S.- Bakhtiyarpur, District- Patna, Bihar- 803202.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board Sinha Library Road, Patna through its Secretary.
2. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
3. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
4. The National Council for Teacher Education, Hans Bhawan Wing-II, BahadurshahZafarMarg, New Delhi- 110002 through its Member Secretary.
5. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15 Neelkanth Nagar, Nayapalli, Bhubneshwar - 751012.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10920 of 2019

1. Gyan Prakash College of Education Plot No. 977 (New) 978 (New), Street No. NH-83, Vill-Chiraila, P.O. Kharkhari, Tehsil/Taluka-Manpur, Town/City-Gaya, District-Gaya, Bihar-805131 through its Joint Secretary Rajesh Ranjan Sahay (M) aged about 46 years, Son of Girish Lal, Resident of Hanuman Gali, Bahuar Chaura, P.O. and P.S.-Gaya, District-Gaya
2. Dashrath Prasad Ram Nandan Pandey B.Ed. College Plot NO. 427, 429, Street No. NH-98, Chitragopi, P.O. Padrawa, Tehsil-Aurangabad, Town/City-Aurangabad, District Aurangabad, Bihar-824121 through Secretary, Shambhu Nath Pandey (M), aged about 50 years, S/o Ramnandan Pandey, Resident of Village./Moh-Dhanibar, P.O. and P.S.-Dhanibar, Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The Bihar School Exaination Board Sinha Library Road, Patna through its Secretary



2. The Chairman Bihar School Examination Board, Sinha Library Road, Patna
3. The Secretary Bihar School Examination Board, Sinha Library Road, Patna
4. The National Council for Teacher Education Hans Bhawan, Wing-II, Bahadurshah Zafar Marg, New Delhi-110002 through its member Secretary
5. The Regional Director National Council for Teacher Education, Eastern Regional Committee, 15 Neelkanth Nagar, Nayapalli, Bhubneshwar-751012

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 10498 of 2019

=====

1. Bibi Aasia Begum Teachers Training College Code ERCAPP3664 Badar Nagar Madhopur Nehura, P.O- Dhibara, Phulwari Sharif P.S- Phulwari Sharif. Distt. Patna through its Principal Md. Faizy Eqbal (M), aged bout 40 years, S/O- MD. Eqbal, Resident of Baxariatola, Sultanganj, Distt- Patna Bihar.
2. Mahabodhy Mahavidyalaya, Nalanda, Vill- Muzaffarpur, P.O. nalanda P.s. nalanda, Distt. Nalanda, Bihar 803111, through its Secretary Arbind Kumar, (M) aged about 58 years, S/O Ram Chandra Prasad, Resident of Mohalla- Bhagwanpur, P.O. Gurusharanpur, P.s.- Bara, Distt. nalanda.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board Sinha Library Road, Patna through its Secretary.
2. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
3. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
4. The National Council for Teacher Education, Hans Bhawan Wing-II, Bahadurshah Zafar Marg, New Delhi- 110002, through it's Member Secretary
5. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15 neelkanth Nagar, Nayapalli, Bhubneshwar-751012

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 10630 of 2019

=====

1. Brilliant Institute of Education Village- Bazaura, Street No. 83, Taluka/ Tehsil, Chandi, P.O.- Bazaura, District- Gaya, Bihar- 824201 through Secretary Bimal Kumar (M), aged about 47 years, S/o Prem Kumar Singh R/o Mohalla- Lakhibag, Manpur, P.S. Muffassil, District- Gaya, Bihar- 823003.
2. Shri Bhagwat Prasad Singh Memorial B. Ed. College, Village- Darbhanga, P.O. and P.S. Teldiha, District- Aurangabad, Bihar through President Abhay



Kumar (M), aged about 48 years, S/o Bhagwat Prasad Singh, R/o Village-
New Area Beldari Tola, District- Gaya, Bihar- 823001.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board Sinha Library Road, Patna through its Secretary.
2. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
3. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10823 of 2019

1. Devendra Pathak Sarvodaya College of Education (Code No. ERCAPP3655) Plot No. 403, Vill- Dubhal, P.O. Chand Choura, Town/City- Gaya, District- Gaya, Bihar through its Secretary, Devendra Kumar Pathak, Son of Shri Gopal Pathak, Resident of - 439, A.P. Colony, Gaya, P.S. Rampur, District- Gaya.
2. Jajba Teacher Training College(Code No-ERCAPP2722), Plot No. 213, 214 New and 212, 211 Old, Vill- Zinorchak, P.O.- Khizersarai, Tehsil/Taluka- Khizersarai, Town/City-Khizersarai, Distt.Gaya, Bihar- 824233, through its Secretary, Anjani Kumar, Son of Satyanarayan Sharma, Resident of 60C/3C Govindpur Colony, Near Ojha Coaching, Teliyarganj, Govindpur, Allahabad Civil Lines, Allahabad, Uttarpradesh.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board Sinha Library Road, Patna through its Secretary.
2. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
3. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10837 of 2019

M. P. College of Education Chandani Chawk P.o.- Godhera, P.s.- Madhepura, Distt.- Madhepura, Bihar Code ERCAPP3506 through its Secretary, Iftakhar Ahmad Rahman (M), aged about 43 years, S/o Farookh Ahmad, Resident of ward no.-31, Chakraham, Darbhanga, Bihar-846004

... .. Petitioner/s

Versus



1. The Bihar School Examination Board Library Road, Patna through its Secretary
2. The Chairman Bihar School Examination Board, Sinha Library Road, Patna
3. The Secretary Bihar School Examination Board, Sinha Library Road, Patna
4. The National council for Teacher Education Hans Bhawan Wing-II BahadurshahZafarMarg, New Delhi-110002 through its Member Secretary
5. The Regional Director National Council for Teacher Education, Eastern Regional Committee, 15 Neelkanth Nagar, Nayapalli, Bhubneshwar - 751012

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 10493 of 2019)

For the Petitioner/s : Mr. S.N. Pathak, Adv.
Mr. Prashant Kumar, Adv.

For the Respondent/s : Mr.Lalit Kishore

For the B.S.E.B. : Mr. Sunil Kumar Mandal, Adv.

For the NCTE : Mr. Sunil Kumar Singh, Adv.
Mr. Ranvijay Singh, Adv.

(In Civil Writ Jurisdiction Case No. 10920 of 2019)

For the Petitioner/s : Mr.Prashant Kumar

For the Respondent/s : Mr.Lalit Kishore

(In Civil Writ Jurisdiction Case No. 10498 of 2019)

For the Petitioner/s : Mr.Prashant Kumar

For the Respondent/s : Mr.Lalit Kishore

(In Civil Writ Jurisdiction Case No. 10630 of 2019)

For the Petitioner/s : Mr.Prashant Kumar

For the Respondent/s : Mr.Lalit Kishore

(In Civil Writ Jurisdiction Case No. 10823 of 2019)

For the Petitioner/s : Mr.Prashant Kumar

For the Respondent/s : Mr.Lalit Kishore

(In Civil Writ Jurisdiction Case No. 10837 of 2019)

For the Petitioner/s : Mr.Prashant Kumar

For the Respondent/s : Mr.Lalit Kishore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 16-07-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State, Examination Board

and the counsel appearing on behalf of NCTE.

All these writ applications being C.W.J.C. No. 10493
of 2019, C.W.J.C. No. 10920 of 2019, C.W.J.C. No.10498 of
2019, C.W.J.C. No. 10630 of 2019, C.W.J.C. No. 10823 of 2019



and C.W.J.C. No. 10837 of 2019 involves common question of fact and law as such they are heard together and disposed of by common judgements. Petitioners in all the cases claimed that they have been granted approval of the NCTE for academic session 2016-18 for conducting the Diploma in Elementary Education (D.El.Ed.) Course.

Mr. S.N. Pathak, learned counsel appearing on behalf of petitioners in these batch of writ applications submits that the issue raised in the present writ application is no more res integra. Similar issue was referred to the Division Bench and the bench answered the issue by reading down amended provisions of the regulation of Bihar School Examination Board. He submits that the case of the petitioners is covered by the judgment of the Division Bench in C.W.J.C. No. 19046 of 2018 wherein the Division Bench on consideration of various aspects of the matter and the submission of the counsel appearing on behalf of the parties including Examination Board and also on consideration of various judgments of the Apex Court including the judgment in the case of *Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of Uttar Pradesh and others* read down the amended provision to include the cases of the institution have been granted approval/permission by the NCTE for grant of



affiliation in the light of the amended provision which was resorted to with a view to modify the hardship occasioned on account of narrow construction of the provisions of the amended regulation.

Learned counsel appearing on behalf of Examination Board submits that the Board has considered the judgment of the Division Bench and they are holding the meeting of the Full Board to grant the relief in terms of the judgment of Division Bench.

Learned counsel appearing on behalf of Examination Board further submits that in light of the judgment the Board would take decision to grant benefit to such institution covered by the judgment of the Division Bench in C.W.J.C. No. 19046 of 2018. He submits that the Board is not opposed the claim of the petitioners, if their cases are covered by the judgment of the Division Bench in C.W.J.C. NO. 19046 of 2018 but the Board is required to verify the foundational fact whether the institution answer the eligibility in terms of the Division Bench judgment in C.W.J.C. No. 19046 of 2018.

Considering the fact that there is no rule as to applicability of the judgment of the Division Bench in the matter of affiliation, the only issue is whether the petitioners on



facts stands on similar footing or not ?

Considering the aforesaid, batch of the writ applications are disposed of with a direction to the respondents to scrutinized the case of all the petitioners at the touch stone of the judgment of the Division Bench in C.W.J.C. No. 19046 of 2018 within a maximum period of 15 days from the date of receipt/production of copy of this order and pass appropriate order in light of the judgment in C.W.J.C. No. 19046 of 2018. In case on scrutiny it is found that the petitioner's institution are similarly circumstanced same relief/benefit would be extended to the petitioners within the time frame indicated herein above.

With the aforesaid, all the writ applications stands disposed of.

(Anil Kumar Upadhyay, J)

mdrashid/-

U			
---	--	--	--

