

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19046 of 2018

1. Rajendra Kishore B. Ed. College, Sughari, Bhagwanpur, Siwan, through it's Chairman Arun Kumar Singh, S/o Late Rama Shankar Singh, Resident of LF-38, S.K. Puri, Boring Road, P.S.- Krishnapuri, Dist- Patna.
2. Dr. Arbind Teachers Training College, Plot No.901, Vill- Araura, P.O.- Dularur, Tehsil/Taluka Ara District Bhagwanpur through it's Secretary Arvind Kumar, S/o Ayodhya Prasad Ray, Resident of Ward No.18, Madan Ji Ka Hata, Ara, Arrah, Bhojpur, Bihar- 802301.
3. Pratik College of Education, Village + Post- Thepaha, P.S.- Ziradei, Dist- Siwan- 841245 through its Managing Trustee, Mukesh Kumar Roy, S/o Manager Roy, CF 52, People's Cooperative Colony, Kankarbagh, Patna-20.
4. Shaheed Pramod B. ED College, PlotNo.- 468, 467, Vill- Susta Madhopur, PO- Susta, Tehsil/Taluka- Mushahari, Town/ City Muzaffarpur, District Muzaffarpur, Bihar- 842002 through it's Secretary Shyam Nandan Kumar Yadav, S/o Bindeshwar Ray, Resident of Madhopur Susta, Susta, Muzaffarpur, Bihar- 842002.
5. Dashrath Prasad Singh, Institute of Teacher's EDucation, VPO Plot No.- 604/389, Vill/PO- Prahaladpur, Tehsil/ Taluka Mushari, Town/ City Muzaffarpur, District Muzaffarpur, Bihar- 842002 through it's Secretary Dashrath Prasad Singh S/o Late Ram Swarath Singh, Resident of VillPost- Narsinghpur Via. Silout P.O., P.S.- Mushari, Muzaffarpur.

... .. Petitioners

Versus

1. The Bihar School Examination Board, Sinha Library Road, Patna through it's 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
6. The State of Bihar through it's Principal Secretary, Education Department, Patna.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 21615 of 2018

Maxford Teachers Training (B. Ed and D. El., Dd) College, Vill. Bhakhri Pabheri, P.O. Bhakhri, Block Dhanarua, Patna- 804451, through it's Chairman Gauhar Alam, son of Md. Kudus Ansari, resident of Dakhin



Muhalla, Mirganj, Kharpakwa, Mirganj, Gopalganj, Bihar- 841438

... .. Petitioner

Versus

1. The Bihar School Examination Board, Sinha Library Road, Patna through it's 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-11, 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
6. The State of Bihar through it's Principal Secretary, Education Department, Patna

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 19622 of 2018

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Jamui Teacher Training College Through Its Principal Dhruv Kumar Singh
Son of Damodar Singh, at- Godi Katauna, P.S. Malaypur, District Jamui.

... .. Petitioner

Versus

1. The State Of Bihar, through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Director (Training), Education Department, Bihar, Patna.
4. The District Magistrate, Jamui, District- Jamui.
5. The District Education Officer, Jamui.
6. The Chairman, Bihar School Examination Board, Patna.
7. National Council For Teachers Education, Eastern Regional Committee, through the Chairman, 15, Neelakantha Nagar, Nayapalli, Bhubaneshwar- 751012

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 20481 of 2018

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K. S. College Of Professional Education, Plot No. 821, 830, 831 Street/ Road
Neora, Vill/P.O.-Neora, Tehsil/Taluka-Bihata, town/City-Danapur, Distt-Patna,
Bihar-801113 through Director Nitish Singh Son of Dr. Madan Murari Singh.



... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat Bikas Bhawan,
3. The Director, Primary Education, Education Department, Government of Bihar, New secretariat Bikas Bhawan, Patna
4. The Director, Research and Training, Education Department, Government of Bihar, New Secretariat Bikas Bhawan, Patna
5. The Bihar School Examination Board, Sinha Library Road, Patna, through the Secretary.
6. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
7. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
8. The Director Academic, Bihar School Examination Board, Patna-17.
9. The Eastern Regional Committee National Council for Teachers Education, 15 Neelakantha Nagar, Nayapalli, Bhubaneshwar- 751012, Odisha through Regional Director

... .. Respondents

with

Civil Writ Jurisdiction Case No. 20487 of 2018

1. Anil Kumar Singh, son of Ram Bahadur Singh, Resident of village Akhtwara, P.O. Bhatowara, Via Elamas Nagar, P.S. Hathouri, District Samastipur
2. Randhir Kumar, son of Gopal Prasad Yadav, resident of at Shripura, via Mathi, P.S. Madhepura District Madhepura Pin Code 852121
3. Naveen Kumar, son of Dinanath Prasad, resident of Navtol, P.O. Dhanauja, P.S. Phulpras, District Madhubani, Pin Code 847409
4. Anish Kumar, son of Arvind Kmar Singh, villavge Inai, P.S. Baheri, District Darbhanga, Pin Code 847105
5. Gunjan Kumar son of Shyam Sundar Mandal, resident of village Arga, via Baheri, P.S. Biraul, District Darbhanga, Pin Code 847105
6. Naveen Kumar, son of Dinanath Prasad, resident of village Navtol, P.O. Dhanauja, P.S. Phulpras, District Madhubani, Pin Code 847409
7. Prashant Kumar Goit son of Narendra Prasad Goit, resident of village Parsahi Sirsiya, P.S. Kutauna, District Madhubani, Pin Code 847421 (Bihar)
8. Sri Narayan Yadav, son of Ram Prakash Yadav, resident of Balua, P.S. Phulparas, District Madhubani, Bihar Pin Code 847409
9. Robin Kumar son of Ramvilash Singh, resident of village Arga, P.O. Arga, P.S. Biasok, District Darbhanga
10. Santosh Kumar, son of Surya Narayan Mandal, village Bara, P.O. Inay, P.S. Baheri, District Darbhanga (Bihar) Pincode 847105
11. Shri Narayan Yadav son of Ram Prakash Yadav, resident of village Balua P.S. Phulparas, District Madhubani



12. Mukesh Kumar son of Bhisar Mandal, resident of village Pabra, P.O. Arga, via Baheri, P.S. Baheri, District Darbhanga Pin Code 847105
13. Bhavesh Kumar Singh son of Ram Kishor Singh, resident of village Kothra, P.S. Hayaghat, District Darbhanga
14. Kanhaiya Yadav son of Shree Prasad Yadav, resident of village Dharampur, P.O. Basudevpur, P.S. Laukaha, District Madhubani, Bihar
15. Parvindra Kumar Yadav son of Shree Devendra Prasad Yadav, resident of village Hariraha Rustampur, P.O. Belhi Bhawanipur, P.S. Laukahi, District Madhubani, Bihar
16. Raushan Kumar Yadav son of Ganga Prasad Yadav resident of village Dharampur P.O. Basudevpur, P.S. Laukaha, District Madhubani, Bihar
17. Harinandan Kumar son of Ram Nandan Singh, resident of village Jharbariya, P.O. Sher Bisuliya, P.S. Baheri, District Darbhanga, Bihar
18. Divakar Kumar Singh, son of Lalan Kumar Singh, resident of at Pabra, P.O. Arga, P.S. Baheri, District Darbhanga Pin Code 847105
19. Saroj Kumar Yadav, son of Ram Briksh Yadav, resident of village Garha, P.S. Ladania, District Madhubani, Pin Code 847232
20. Amar Kumar Singh, son of Raj Kumar Mandal, resident of at Gangrahi, P.S. Hathauri, P.O. Rajor Rambadhrapur, District Samastipur

... .. Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat (Bikas Bhawan), Patna
3. The Director, Primary Education, Education Department, Govt. of Bihar, New Secretariat, (Bikas Bhawan) Patna
4. The Director, Research & Training, Education Department, Govt. of Bihar, New Secretariat (Bikas Bhawan) Patna
5. The Bihar School Examination Board, Sinha Library Road, Patna through the Secretary
6. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna
7. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna
8. The Director (Academic), Bihar School Examination Board, Patna-17
9. The Eastern Regional Committee National Council for Teachers Education, 15 Neelakantha Nagar, Nayapalli, Bhubaneshwar- 751012, Odisha through Regional Director

... .. Respondents

with

Civil Writ Jurisdiction Case No. 19917 of 2018

1. Dharikshan Singh Teachers Training College, situated at village Kulhariya, P.O. Kulhariya, in the district of Bhojpur through its Secretary namely Sri Sidhnath Singh Son of Late Dharikshan Singh Resident of Club Road, near D.M. residence Pakri Ara, P.S. Nawada in the district of Bhojpur
2. G.D. Mishra Institute of Higher Studies situated at Village-Mathiya Gurudas, P.O. Sondhila, Distt.-Buxar, through its Secretary namely Pradeep



Kumar Mishra, son of Late Ganesh Dutt Mishra Resident of Maurya Vihar,P.S. Phulwarisarif in the District of Patna

3. B.L. B.Ed. College situated at Village-Rampur Tola Dhanhara,P.S. Ramchandra Nagar,Distt.-Aurangabad through its Secretary namely Amresh Kumar Son of Suraj Man Sharma, Resident of Karma Road,Aurangabad,P.S. Aurangabad Town in the Distt.-Aurangabad
4. Sarvoday B.Ed. College Situated at Village-Karup,P.S. Malwar,Distt.-Rohtas through its Secretary namely Om Prakash Singh Son of Sri Jai Gobind Singh Resident of G.T. Road MICO, P.S. Town in the Distt.-of Rohtas at Sasaram
5. L.N.M. College of Higher Education Situated at Village-Lodipur,P.O. Kamla Gopalpur,Distt.-Patna through its Secretary Vijay Kumar Upadhyaya Son of Late Lalit Kumar Upadhyay Resident of Rajbanshi Nagar Road No.1,North Extension,Patna P.S. Shastri Nagar in the Distt.of Patna

... .. Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary,Education, Department Govt. of Bihar,Patna
3. The Joint Secretary,Education Department,Government of Bihar,Patna
4. The Bihar School Examination Board,Sinha Library Road,Patna through its Secretary
5. The Chairman,Bihar School Examination Board,,Patna
6. The Secretary,Bihar School Examination Board,,Patna
7. The Director, Academic,Bihar School Examination Board,Patna
8. National Council for Teachers Education, Eastern Regional Committee Bhubaneswar,Orissa through its Regional Director
9. The Regional Director, National Council for Teachers Education Eastern Regional Committee, Bhubaneshw

... .. Respondents

with

Civil Writ Jurisdiction Case No. 20117 of 2018

1. Dazy Kumari D/o of Prakash Yadav Resident of Pagwara,Police Station-Hamlita,Distt.-Dumka
2. Bibi Seema Naz D/o of Sajid Resident of Khatai,Police Station-Panchgama,Distt.-Godda Jharkhand
3. Amrita Kumari D/o of Narendra Kumar Mahto, Resident of Village-Birnagar,Police Station-Balbadda,Distt.-Godda Jharkhand
4. Niroj Kumar Thakur Son of Mritunjay Thakur Resident of Village-Santpur,Police Sation-Parayahat,Distt.-Godda Jharkhand
5. Purushottam Kumar Son of Anant Ram Mandal Resident of Village-Babhangama,Police Station-Sandiha Babhangama,Distt.-Banka



... .. Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department of Govt. of Bihar, New Secretariat Bikas Bhawan, Patna
3. The Director, Primary Education, Education Department, Government of Bihar, New Secretariat Bikas Bhawan, Patna
4. The Director, Research and Training, Education Department, Government of Bihar, New Secretariat Bikas Bhawan, Patna
5. The Bihar School Examination Board, Sinha Library Road, Patna, through the Secretary
6. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna
7. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna .
8. The Director, (Academic) Bihar School Examination Board, Patna-17 The Eastern Regional Committee-National Council for Teachers Education, 15 Neelakantha Nagar, Nayapalli
9. The Eastern Regional Committee-National Council for Teachers Education, 15 Neelakantha Nagar, Nayapalli, Bhubaneswar- 751012, Odisha through Regional Director

... .. Respondents

with

Civil Writ Jurisdiction Case No. 19582 of 2018

St. Tapaswi Narayan Das Shiksha Sansthan, Sitamarhi, P.O. Bariyarpur, District Sitamarhi, through its Secretary Hari Shanker Ray, S/o Sita Ray , Resident of Village-Basaha, Post-Basaha, Madhuban Basaha, Sitamarhi, Bihar-843314.,

... .. Petitioners

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 its Member Secretary
5. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15 Neelkanth Nagar, Nayapalli, Bhubneshwar- 751012
6. The State of Bihar through it's Principal Secretary, Education Department, Patna.

... .. Respondents



with
Civil Writ Jurisdiction Case No. 20491 of 2018

1. Royal Heritage College Of Education, Rajashan, Mahnar Road, P.S. Bidupur, District Vaishali (Hajipur) through Secretary Nitin Kumar son of late Nageshwar Prasad Singh, resident of Dadijee Sweet Lane, Boring Road, Patna P.S. A.N.Collge, Patna, District Patna
2. Scholars College of Education, Plot No. 457, village Shivpur Pakrandha, P.O. Patoot, Tehsil/ Taluka Bikram, Town/ City Bihta, District Patna Bihar 801101 through Secretary Rajeev Kumar

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat (Bikas Bhawan), Patna
3. The Director, Primary Education, Education Department, Govt. of Bihar, New Secretariat (Bikas Bhawan), Patna
4. The Director, Reseach & Training, Education Department, Govt. of Bihar, New Secretariat (Bikas Bhawan), Patna
5. The Bihar School Examination Board, Sinha Library Road, Patna through the Secretary
6. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna
7. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna
8. The Director (Academic), Bihar School Examination Board, Patna-17
9. The Eastern Regional Committee National Council for Teachers Education, 15 Neelakantha Nagar, Nayapalli, Bhubaneshwar 751912 Odisha through Regional Director

... .. Respondents

with
Civil Writ Jurisdiction Case No. 19523 of 2018

Mahatma Buddha Teachers Training College, Sonbarsa Road, Dhrub Nagar, Panch Mile, P.O. Kamaldah, District Sitamarhi- 84322, through its Secretary Dhruv Kishor Mahato, Resident of Ward No. 01, Village- Chakmahila, Sitamarhi, Bihar- 843302.

... .. Petitioner

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,



Bahadur Shah Zafar, 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
6. The State of Bihar through it's Principal Secretary, Education Department, Patna.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 19069 of 2018

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Sri Krishna Manorma Teachers Training College, Banka through its Member, Managing Committee namely Manvendra Kumar Gautam Son of Sri Krishna Singh, resident of Village- Daulatpur in front of St. Xavier School, Police Station- Jamalpur, District- Munger.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The Director Research and Training Education, Govt. of Bihar, Patna.
4. The Chairman Bihar School Examination Board, Patna.
5. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15, Neel Kanth Nagar Nayabli Bhubaneshwar 751012
6. The District Education Officer, Banka.

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 18917 of 2018

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Teacher Training College, Barari, Bhagalpur, through its Secretary namely Barun Kumar Singh son of Manoj Mohan Singh resident of Hanuman Nagar, Police Station - Patrakar Nagar Kankarbagh, District - Patna.

... .. Petitioners

Versus

1. The State Of Bihar through the Principal Secretary Education Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Director, Research and Training Education, Govt. of Bihar, Patna.
4. The Chairman Bihar School Examination Board, Patna.
5. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15, Neel Kanth Nagar, Nayabli Bhubaneshwar 751012
6. The District Education Officer, Bhagalpur.



... .. Respondents

with

Civil Writ Jurisdiction Case No. 20551 of 2018

Sattar Memorial College Of Education, Hazi Harman Road, Phulwari Sharif, P.S. Phulwari Sharif, District Patna through the Secretary Hazi Khurshid Hassan, Son of Late Md. Ahsan, Resident of Mahatawana Phulwari Sharif, Police Station- Phulwari Sharif, District- Patna.

... .. Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat Bikas Bhawan, Patna
3. The Director, Primary Education, Education Department, Government of Bihar, New Secretariat Bikas Bhawan, Patna
4. The Director, Research and Training, Education Department, Government of Bihar, New Secretariat Bikash Bhawan, Patna I
5. The Bihar School Examination Board, Sinha Library Road, Patna, through the Secretary.
6. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
7. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
8. The Director Academic, Bihar School Examination Board, Patna-17.
9. The Easrern Regional Committee National Council for Teachers Education, 15 Neelkantha Nagar, Nayapalli, Bhubaneshwar 751012 Odisha through Regional Director

... .. Respondents

with

Civil Writ Jurisdiction Case No. 18540 of 2018

1. Uttam Kumar S/o Anuranjan Prasad Singh, R/o Village- Jamui, P.S.- Jamui, Dist- Jamui.
2. Sanjay Kumar Singh, Son of Birendra Kumar Singh, Village- Bhalar, P.S.- Dharhara, District- Munger.
3. Kumari Rashmi Sinha, D/o Nageshwar Prasad Sinha, Village- Shastri Colony, P.S.- Jamui, District- Jamui.
4. Satish Kumar, S/o Shambhu Prasad Rawat, Village- Gidhaur, P.S.- Gidhar, Dist- Jamui.
5. Sanjay Kumar, Son of Devki Prasad, Resident of Village- Baijla, P.S.- Jhajha, Dist- Jamui.
6. Sweta Rani, D/o Dilip Kumar Singh, Village- Nawadiha, P.S.- Khaira,



District- Jamui.

7. Prema Kumari, D/o Nawal Kishore Bhokia, Village- Charikanali, P.S.- Chitra, District- Deoghar.
8. Priti Raj, D/o Ram Pujan Mandal, Village- Chura, P.S.- Jamui, District- Jamui.
9. Ashish Kumar Bharti, Son of Shyam Sundar Prasad, Village- Puarnt Bazar Jamui, P.S.- Jamui, District- Jamui.
10. Parth Sarthi, S/o Krishna Kumar, R/o Village- Banwarsha, P.S.- Khesar, Dist- Banka.
11. Mithun Gupta, Son of Dilip Gupta, R/o Village- Ghorghat, P.S.- Chandan, Dist- Jamui.
12. Kishore Kumar Mandal, Son of Banarsi Mandal, R/o Village- Kairakado, P.S.- Gidhour, Dist- Jamui.
13. Swati Kumari, D/o Ram Golvind Pathak, R/o Village- Sohjana, P.S.- Gidhour, Dist- Jamui.
14. Saurabh Kumar, Son of Dipak Singh, Resident of VillageP.S.- Gidhour, Dist- Jamui.
15. Suman Kumari, Son of Dipak Singh, Resident of VillageP.S.- Gidhour, Dist- Jamui.
16. Niraj Kumar, Son of Chandrashekhar Saw, Village- Sewa, P.S.- Gidhour, Dist- Jamui.
17. Rishu Kumar Mehta, Son of Raj Kumar Metha, Village- Sewa, P.S.- Gidhour, Dist- Jamui.
18. Mukesh Kumar Dangi, Son of Kuldeep Prasad Dangi, R/o Village- Kairkdo, P.S.- Gidhour, Dist- Jamui.
19. Sujata Kumari, S/o Tripurari Kumar, R/o Village- Tari Dubli, P.S.- Khaira, Dist- Jamui.
20. Rishi Kumar, S/o Mahesh Mandal, R/o Village- Matiya, P.S.- Laxmipur, Dist- Jamui.
21. Nand Kumar, Son of Anirudh Mandal, R/o Village- Nimarang, P.S.- Jamui, Dist- Jamui.
22. Kundati Kumar, Son of Dilip Kumar Mandal, Resident of Village- Mahuli, P.S.- Gidhour, Dist- Jamui.
23. Amarjit Ram, Son of Pentu Ram, R/o Village- Dharampur, P.S.- Khaira, Dist- Jamui.
24. Murari Kumar, S/o Shankar Sah, R/o Village- Chandwara, P.S.- Jamui, Dist- Jamui.
25. Pravesh Kumar Metha, Son of Mahesh Prasad Mehta, Resident of VillageP.S.- Gidhour, Dist- Jamui.
26. Manisha Kumari, D/o Lalan Prasad Singh, R/o Village- Ratanpur, P.S.- Gidhour, Dist- Jamui.
27. Mukesh Kumar Keshri, S/o Shailendra Keshri, Village- Gidhaur, P.S.- Gidhar, Dist- Jamui.



28. Ranjan Kumar, Son of Gopal Saw, Village- Gidhaur, P.S.- Gidhar, Dist- Jamui.
29. Sunil Kumar, Son of Satyanarayan Mandal, R/o Village- Pradhanchak, P.S.- Khaira, Dist- Jamui.
30. Vikky Kumar, Son of Pappu Kumar, R/o Village- Kumar, P.S.- Sikandara, Dist- Jamui.
31. Ajay Kumar Vishwakarma, Son of Shivnarayan Mistri, R/o Village- Garsanda, P.S.- Jamui, Dist- Jamui.
32. Md. Sabir Ansari, S/o Md. Shekhawat Ansari, R/o Village- Maura, P.S.- Gidhaur, Dist- Jamui.
33. Rajiv Acharya, Son of Murari Acharya, R/o Village- Raipura, P.S.- Khaira, Dist- Jamui.
34. Amrita Singh, S/o Jayram Singh, R/o Village- Chihutia, P.S.- Khaira, Dist- Jamui.
35. Sweta Kumari, D/o Tripurari Singh, R/o Village P.S.- Gidhour, Dist- Jamui.
36. Rani Kumari, D/o Hiralal Keshari, R/o Village- Sirkhindi, P.S.- Lakhisarai, Dist- Lakhisarai.
37. Ruma Kumari, D/o Ramnaresh Singh, R/o Village- Mahsouri, P.S.- Jamui, Dist- Jamui.
38. Dipa Kumari, D/o Bijay Kumar Gupta, R/o Village- Chorghara, P.S.- Jhajha, Dist- Jamui.
39. Rajeev Ranjan Singh, Son of Chandra Mualeshwari Singh, R/o Village- Ratanpur, P.S.- Gidhour, Dist- Jamui.
40. Jyoti Kumari, Wife of Manoj Kumar, R/o Village P.S.- Gidhour, Dist- Jamui.
41. Doli Guriya, Wife of Munna Gopal Keshri, R/o Village P.S.- Gidhour, Dist- Jamui.
42. Rajiv Kumar Pandey, S/o Kailash Pandey, R/o Village- Garsanda, P.S.- Jamui, Dist- Jamui.
43. Radhika Ranjan Prasad, S/o Raj Kishore Prasad, R/o Village- K Nawada, P.S.- Gidhour, Dist- Jamui.
44. Prity Kumari, D/o Manoj Kumar Sharma, R/o Village- Sahur, P.S.- Surajgarha, Dist- Lakhisarai.
45. Subodh Kumar Mehta, Son of Bhramdeo Mandal, R/o Village- Amari, P.S.- Khaira, Dist- Jamui.
46. Avinash Chandra Kunal, S/o Kapildeo Raw, R/o Village- Tenngahra, P.S.- Malaypur, Dist- Jamui.
47. Rakesh Kumar Rawat, S/o Bharat Prasad Rawat, Resident of Village P.S.- Gidhour, Dist- Jamui.
48. Rajesh Kumar Keshri, Son of Mohan Lai Keshri, Resident of Village P.S.- Gidhour, Dist- Jamui.
49. Chotu Kumar, S/o Balmukund Sah, Resident of Village- Amrath, P.S.- Jamui, Dist- Jamui.
50. Vishwajeet Mehta, Son of Ganesh Mehta, Resident of Village P.S.- Gidhour,



Dist- Jamui.

51. Sanjay Yadav, Son of Munshi Yadav, Village- Chedlahi, P.S.- Gidhour, Dist- Jamui.
52. Shilpi Bamwal, S/o Madan Prasad, Resident of Village P.S.- Gidhour, Dist- Jamui.
53. Roushan Kumar, S/o Awadh Kumar Baranwal, Resident of Village P.S.- Gidhour, Dist- Jamui.
54. Ashish Kumar Keshri, Son of Ashok Prasad Keshri, Resident of Village P.S.- Gidhour, Dist- Jamui.
55. Shristi, D/o Binod Kumar Sharma, R/o Village- Sahur, P.S.- Suryagarha, Dist- Lakhisarai.
56. Subod Kumar, Son of Laxmi Rai, Village- Lallha, P.O.- Urva, P.S.- Chakai, District- Jamui.
57. Kirti Abha, D/o Prabhakar Modi, R/o Village- Matiya, P.S.- Laxmipur, Dist- Jamui.
58. Anjani Kumar, Son of Rajendra Kumar, Village- Bombay Colony, P.S.- Jamui, District- Jamui.
59. Ranjan Kumar, S/o Ramdeo Prasad, Resident of Village P.S.- Gidhour, Dist- Jamui.
60. Sanjiv Kumar, S/o Baleshwar Singh, Resident of Village- Ratanpur, P.S.- Gidhour, Dist- Jamui.
61. Indradev Paswan, Son of Raghunandan Paswan, Resident of Village- Chanco, P.S.- Nariyana Khaira, Dist- Jamui.
62. Rajmani Kumar, Son of Dukhaharan Mahto, Resident of Village P.S.- Jamui, Dist- Jamui.
63. Chandra Prabha, W/o Prakash Kumar Baranwal, Resident of Village P.S.- Gidhour, Dist- Jamui.
64. Nihsant Kumar Raj an, Son of Shankar Kumar Jaiswal, Resident of Village- Jamalpur, P.S.- Jamalpur, Dist- Munger.
65. Neha Kiran, D/o Ajay Kumar Singh, Resident of Village P.S.- Jamui.
66. Jyotish Kumar, Son of Kapildev Mandal, Village- Lakra, P.O.- Matiya, P.S.- Barha, District- Jamui.
67. Priti Sinha, D/o Pramod Kumar Sinha, Village- Santiniketan Jamui, P.S.- Jamui, District- Jamui.
68. Komal Singh, D/o Birendra Prasad Singh, Village P.S.- Jamui, Dist- Jamui.
69. Raman Kishor Sigh, S/o Awadh Kishor Singh, Resident of Village- Ratanpur, P.S.- Gidhaur, Dist- Jamui.
70. Rashmi Kumari, D/o Pulin Kumar, Village P.S.- Lakhisarai, Dist- Lakhisarai.
71. Sunil Kr. Verma, S/o Indradeo Prasad Verma, Village- Bahadurpur, P.S.- Jamui, Dist- Jamui.
72. Rajesh Kumar, S/o Bahadur Modi, Village P.S.- Khaira, Dist- Jamui.
73. Punam Kumari, D/o Gulab Das, Village- Khaira, P.S.- Khaira, District-



Jamui.

74. Bikrant, Son of Late Sukhnandan Singh, Village P.O.- Mor, P.S.- Mokama, District- Patna.
75. Satendra Kumar, Son of Bashits Mandal, At-Lakra, P.S.- Barahat, District- Jamui.
76. Priya Singh, D/o Sunil Kumar Singh, At- Keshopur, P.O.- Kesopur, P.S.- Jhajha, District- Jamui.
77. Pappu Sharma, Son of Baidya Nath Sharma, At- Lagma, P.S.- Ghanshyampur, P.O.- Lagma, District- Darbhanga.
78. Aashish Jha, Son of Shashi Nath Jha, At P.O.P.S.- Gidhaur, District- Jamui.
79. Manish Kumar Sinha, Son of Nageshwar Prasad Sinha, At- Jamai Shastri Colony, P.O.- Jamui, District- Jamui.
80. Nidhe Kumar, Son of Ramu Rawat, At- Lakhanpur, P.O.- Gopalpur, P.S.- Jamui, District- Jamui.
81. Shavitri Kumari, Wife of Shashi Shekhar Prasad, At- Purani Bazar, P.O.P.S. District- Jamui.
82. Nivedita Choudhary, D/o Sunil Kumar Chaudhary, At P.O.P.S. District- Deoghar.
83. Ramaswami Ranjan, Son of Rajesh Kumar Singh, At P.O.- Ratanpur, P.S.- Gidhour, District- Jamui.
84. Prince Kumar, Son of Gouri Shankar Singh, Resident of Sheetal Colony, P.O.P.S. District- Jamui.
85. Pankaj Kumar, Son of Shankar Prasad Suman, Resident of Sheetal Colony, P.O.P.S. District- Jamui.
86. Ajay Yadav, Son of Aaro Yadav, Resident of Village P.O.- Paro, P.S.- Barhat, District- Jamui.
87. Prabhakar Kumar, Son of Balmiki Pandey, At P.O.- Karanpur, P.S.- Laxmipur, District- Jamui.
88. Subhash Kumar Gupta, Son of Surendra Prasad Gupta, At P.O.P.S.- Chakai, District- Jamui.
89. Bandana Kumari, Son of Suresh Mandal, At P.O.- Kendih, P.S.- Khaira, District- Jamui.
90. Rohan Kumar, Son of Devilal Mandal, At P.O.- Ghurghat, P.S.- Bariarpur, District- Munger.
91. Madhu Kumari, D/o Nawal Kishore Bhokta, At P.O.- Chitre, P.S.- Chitre, District- Deoghar.
92. Md. Sultan, Son of Md. Meraj, Resident of at P.S.P.O.- Sikandra, District- Jamui.
93. Md. Shahid, Son of Md. Shamim, Village P.O.P.S.- Sikandra, District- Jamui.
94. Rani Kumari, D/o Upendra Nouman, P.O.P.S.- Sikandra, District- Jamui.
95. Soni Kumari, D/o Uchit Yadav, Resident of Village- Lakhanpur, P.O.- Gopalpur, District- Jamui.



96. Kumari Meeta, D/o Niranjan Prasad Bhakta, AtP.O.- Phulchuwan, P.S.- Sarath, District- Deoghar.
97. Saurabh Kumar, Son of Sunil Kumar Suman, AtP.O.- Ghorghat, P.S.- Bariarpur, District- Munger.
98. Roshni Yadav, D/o Raj Kumar Yadav, AtP.O.P.S.- Gidhour, District- Jamui.
99. Lucky Kumari, D/o Mohan Jha, AtP.O.- Mananpur, P.S.- Chanan, District- Lakhisarai.
100. Rajiv Kumar, Son of Lalan Panjiyara, At P.O. P.S.District- Jamui.

... .. Petitioners

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, govt. of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Director Training, Education Department, Bihar, Patna.
4. The District Magistrate, Jamui, District- Jamui.
5. The District Education Officer, Jamui.
6. The Chairman, Bihar School Examination Board, Patna.
7. National Council for Teachers Education, Eastern Regional Committee through the Chairman, 15, Neelkantha Nagar, Nayapalli, Bhubaneshwar 751012

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19046 of 2018)

For the Petitioner/s : Mr. Suman Kumar

For the Respondent/s : Ms. Shilpa Singh- Ga12

(In Civil Writ Jurisdiction Case No. 21615 of 2018)

For the Petitioner/s : Mr. Suman Kumar

For the Respondent/s : Ms. Binita Singh -Sc28

(In Civil Writ Jurisdiction Case No. 19622 of 2018)

For the Petitioner/s : Mr. Vikas Kumar

For the Respondent/s : Mr. Subash Chandra Mishra -Sc16

For NCTE : Mr. Sunil Kumar Singh, Adv.

(In Civil Writ Jurisdiction Case No. 20481 of 2018)

For the Petitioner/s : Mr. Niranjan Kumar

For the Respondent/s : Ms. Shilpa Singh -Ga12

For NCTE : Mr. Sunil Kumar Singh, Adv.

(In Civil Writ Jurisdiction Case No. 20487 of 2018)

For the Petitioner/s : Mr. Niranjan Kumar

For the Respondent/s : Mr. Prabhakar Jha -Gp27

For NCTE : Mr. Sunil Kumar Singh, Adv.

(In Civil Writ Jurisdiction Case No. 19917 of 2018)

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Madhaw Pd. Yadav- Gp23

(In Civil Writ Jurisdiction Case No. 20117 of 2018)

For the Petitioner/s : Mr. Niranjan Kumar



For the Respondent/s : Mr.Kameshwar Pd. Yadav- Gp23
 For NCTE : Mr. Sunil Kumar Singh, Adv.
 (In Civil Writ Jurisdiction Case No. 19582 of 2018)
 For the Petitioner/s : Mr.Suman Kumar
 For the Respondent/s : Ms.Shilpa Singh -Ga12
 (In Civil Writ Jurisdiction Case No. 20491 of 2018)
 For the Petitioner/s : Mr.Niranjana Kumar
 For the Respondent/s : Mr.Ashutosh Ranjan Pandey -Aag15
 For NCTE : Mr. Sunil Kumar Singh, Adv.
 (In Civil Writ Jurisdiction Case No. 19523 of 2018)
 For the Petitioner/s : Mr.Suman Kumar
 For the Respondent/s : Mr.Subhash Chandra Mishra- Sc16
 (In Civil Writ Jurisdiction Case No. 19069 of 2018)
 For the Petitioner/s : Mr.Manoj Kumar Singh
 For the Respondent/s : Ms.Shilpa Singh -Ga12
 For NCTE : Mr. Sunil Kumar Singh, Adv.
 (In Civil Writ Jurisdiction Case No. 18917 of 2018)
 For the Petitioner/s : Mr.Manoj Kumar Singh
 For the Respondent/s : Mr.Jitendra Kr.Roy-1 Sc13
 For NCTE : Mr. Sunil Kumar Singh, Adv.
 Mr. Ranvijay Singh, Adv.
 (In Civil Writ Jurisdiction Case No. 20551 of 2018)
 For the Petitioner/s : Mr.Niranjana Kumar
 For the Respondent/s : Ms.Binita Singh -Sc28
 For NCTE : Mr. Sunil Kumar Singh, Adv.
 (In Civil Writ Jurisdiction Case No. 18540 of 2018)
 For the Petitioner/s : Mr. Manoj Kumar Singh
 For the Respondent/s : Mr. Madhaw Prasad Yadav -Gp23
 For NCTE : Mr. Sunil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 28-03-2019

The petitioners in each of the writ petitions pray for identical reliefs and it is for this reason that all these writ petitions have been heard analogous and are being disposed of with the consent of the parties at the stage of admission by a common judgment.

The petitioners in this batch of writ petitions are the Teachers Training Colleges established for imparting courses in Diploma in Elementary Education and/or the students of such



Colleges. They seek a writ in the nature of mandamus to command the Bihar School Examination Board through its Chairman and Secretary for granting affiliation to the Colleges with effect from the Session 2016-18 and alongside, to permit the students of the petitioner Colleges to fill up examination forms on-line for appearing in the examination to be held for Diploma in Elementary Education (D.El.Ed.) for the Session 2016-18.

Though the reliefs have been articulated in a different manner in the writ petitions but the Teachers Training Colleges/ students, who are petitioners before this Court in each of the writ petitions, in substance seeks a direction to the authorities of the respondent Bihar School Examination Board (hereinafter referred to as 'the Board') and its authorities to grant them a permanent affiliation from the Session 2016-18 and allow the students on the rolls of the respective Colleges for the Sessions in question to appear in the examination to be held by the Board.

The facts of the case lie in a very narrow compass. According to the learned counsel appearing for the petitioners, most of these Colleges were affiliated with the University for imparting Bachelor of Education (B.Ed.) courses after following the due process of law. The issue in dispute is in regard to grant of permanent affiliation for conducting Diploma in Elementary



Education (D.El.Ed.) courses by the respective Colleges exclusively for the Session 2016-18. We say so because the pleadings available on records in C.W.J.C.No. 19046/2018, 20491/2018 and 18540/2018 which has been referred to for the purpose of representational facts which cover the cases of the other petitioners as well, do confirm that these Colleges had come before this Court in a batch of writ petitions arising from C.W.J.C.No, 11089/2016 which was heard analogous with other cases and by a short order passed on 20.12.2016 a learned Single Judge of this Court disposed of the writ petitions taking note of the Bihar School Examination Board Diploma in Elementary Education (D.El.Ed.) Courses Affiliation Regulation, 2016 and the submission of the respondent Board that they would complete the process of grant of affiliation expeditiously and within a period of two months.

Some of the Colleges had moved the Supreme Court directly under Article 32 of the Constitution of India and which writ petition also was disposed with direction to the Secretary of the Bihar School Examination Board to consider the application of the Training College for grant of affiliation and if legally permissible, also to consider the prayer for grant of affiliation for the academic year 2016-17.



The orders passed by the learned Single Judge of this Court and the Supreme Court are on the records of the proceedings in the counter affidavit filed on behalf of the Board in C.W.J.C.No. 19046/2018 as well as in some other writ petitions.

It is not in dispute that following the orders passed by this Court and the Supreme Court most of these Colleges have been granted affiliation by the respondent Board for the Session 2017-19 onwards for imparting Diploma in Elementary Education (D.El.Ed.) course in respective Colleges except the petitioner no.3 in C.W.J.C.No. 19917 of 2018. The letters of affiliation are enclosed in the respective writ petitions and/or in the counter affidavit of the respondent Board. Similar letters of affiliation also finds enclosed in the counter affidavit filed in other writ petitions. It is after grant of affiliation to the petitioner Colleges by the Board, for the Session 2017-19/ 2018-20, for imparting Diploma in Elementary Education (D.El.Ed.) two years course and having approached the respondent Board for advancing affiliation to cover Session 2016-18 as well and to allow the students who have undergone course in the respective Colleges, to participate in the examination to be held by the Board but not getting any response that the present set of writ petitions were filed.



While the writ petitions remained pending for consideration that the Board vide notification dated 7.7.2018 amended the Bihar School Examination Board (Issuance of Teachers Education No Objection Certificate, Affiliation Norms and Procedure) Regulation, 2016 (hereinafter referred to as '2016 Regulation') to incorporate Clause 8(xiii), whereby all the Training Colleges who had obtained recognition from the National Council of Teachers Education upto training Session 2014-16 before promulgation of the National Council of Teachers Education Regulation, 2014 and were not granted affiliation by the Board for some reason or the other but the admitted students were allowed to participate in the examination organized by the Board and results published, were given deemed affiliation from the Session these Colleges got recognition from the Eastern Regional Committee, the National Council of Teachers Education, Bhubneshwar/ National Council of Teachers Education, New Delhi.

It is because the amendment to the '2016 Regulation' vide Clause 8(xiii) gave deemed affiliation to every Training College, who not only admitted students who were allowed to participate in the examination held by the respondent Board, from the date these Colleges got recognition from the NCTE and which



deemed affiliation was allowed to continue only until the Session 2014-16 leaving out Session 2016-18 though notified on 7.7.2018, that these petitioners questioned the amendment on its discriminatory content and whereupon the learned Single Judge hearing the writ petitions referred the matter for hearing by an appropriate Division Bench bearing note of the challenge posed by the petitioners to the amendment in '2016 Regulation' and since the validity of the amendment introduced through Regulation 8(xiii) was put to question that the matter was posted before this Bench and when the parties have been heard at length.

Mr. P.K.Shahi, learned Senior Counsel alongwith Mr. Chitranjan Sinha, learned Senior Counsel, have led arguments on behalf of the petitioners duly assisted by the Advocate on records. The arguments have been opposed by Mr. Satyabir Bharti, learned counsel appearing for the Bihar School Examination Board and its authorities in each of the writ petitions while National Council for Teacher Education is represented through Mr. Sunil Kumar Singh, learned Advocate, who has placed on record the dates on which recognition has been granted by the NCTE to each of the Training Colleges who are petitioners before this Court.

It is not in dispute that each of these Training Colleges have been granted No Objection Certificate by the respondent



Board in terms of Clause 7 of the '2016 Regulation' which repealed all the earlier regulations. A plain reading of Clause 7 of '2016 Regulation' would discern that it is not a mechanical exercise rather it is only where the Board is satisfied after holding inspection, that the institution satisfies all statutory requirements that a 'No Objection Certificate' is issued which is the foundation for grant of recognition by the NCTE under the NCTE (Recognition Norms and Procedure) Regulation, 2014 framed under section 32 of the NCTE Act, 1993 in supersession of the NCTE (Recognition Norms and Procedure) Regulation, 2007. Each of these Colleges have obtained recognition from NCTE in an around the month of April/ May, 2016 for the Session 2016-17 and whereafter they applied for grant of affiliation from the Board but the matter lingered resulting in the order passed by the learned Single Judge on 20.12.2016 in the batch of writ petitions arising from C.W.J.C.No, 11089/2016 as well as by the Supreme Court in Writ Petition (Civil) No. 713/2016 dated 19.9.2016 as already discussed above and which led to issuance of letters of affiliation for the Session 2017-19, by the respondent Board on 26.9.2017 in so far as the petitioners in C.W.J.C.No. 19046/2018, C.W.J.C.No. 20481/2018 and C.W.J.C.No. 20487 of 2018 who are the students of the petitioners in C.W.J.C.No. 20481/2018, are concerned.



In so far as the petitioners in C.W.J.C.No. 19917/2018 are concerned while for the rest of the petitioners affiliation order was issued on 26.9.2017 for the Session 2017-19, in so far as the petitioner no.3 B.L.B.Ed. College, Aurangabad is concerned, it was issued on 28.11.2017 for the Session 2018-20.

In so far as the petitioners in C.W.J.C.No. 20491/2018 is concerned, it was again issued on 26.9.2017 and in so far as the petitioners in C.W.J.C.No. 20551/2018 is concerned, it was issued on 3.7.2017.

In so far as the remaining writ petitioners i.e. C.W.J.C.No. 19582/2018, C.W.J.C.No. 19523/2018, C.W.J.C./No. 19069/2018 and C.W.J.C.No. 18917/2018 are concerned, the pleadings on record reflect that they have not even been given affiliation for the Session 2017-19 rather it appears that having obtained No Objection from the Board and consequent recognition from the NCTE in May, 2016 for the Session 2016-17, that they approached the Board for grant of affiliation but no order was passed and in the meanwhile the amendment Regulation has come which has forced these petitioners, who are either Training Colleges or students pursuing their Diploma in Elementary Education course, to approach this Court in respective writ petitions. To make it specific, C.W.J.C.No. 20117/2018 has been



filed by the students of Sattar Memorial College, C.W.J.C.No. 20487/2018 is filed by the students of K.S.College of Professional Education and C.W.J.C.No. 18540/2018 is filed by students of Jamui Teachers Training College. The reliefs are identical to those made by the respective College albeit through separate writ petitions.

The grievance of the respective Colleges as advanced by learned Senior Counsel appearing on their behalf is that the amendment Regulation is a class legislation for it seeks to deprive the petitioner Colleges of the same benefits of deemed affiliation which has been extended to similarly placed 44 Colleges. According to learned Senior Counsel appearing on behalf of the Colleges and the students, the Regulation violates Article 14 of the Constitution of India for there is no distinction between the 44 Colleges who have been granted deemed affiliation in comparison to the case of the petitioner Colleges who also seek similar relief rather have a case on a better footing because they have approached the Examination Board well within time for grant of affiliation but merely on a delayed action by the Board that the session has gone past. It is submitted that even when the High Court and the Supreme Court has directed the Board to consider the claim of these Colleges for grant of affiliation for Session



2016-18 subject to fulfilment of their criteria required and even when a No Objection has been granted by the Board well in advance of the Session 2016-18 after recording satisfaction to the fulfilment of criteria and which is followed by grant of recognition by the NCTE for the Session 2016-17, there was no occasion for the Board to have delayed grant of recognition under the pretext of a pending Regulation. It is submitted that the Regulation notified vide Notification No. 695 dated 7.7.2018 proceeds to grant deemed affiliation to 44 Colleges who in violation of the statutory prescriptions, did not only admit students without grant of affiliation but also had the support of the Board to permit these students to appear in the examination which has been carrying on since 1997-98 or thereafter. It is contended that on the other hand, the petitioners have followed the law, applied well in advance for grant of affiliation, got recognition well in time but are being punished by the Board for their own lapses. It is submitted that the action of the Board in not extending the benefit of similar affiliation to these Colleges even though their application for such grant is pending since 2016, is arbitrary and discriminatory. Learned Senior Counsel have referred to the following judgments in support of their contentions:



- (i) (2013)2 SCC 617 (**Maa Vaishno Devi Mahila Mahavidyalaya v. State of U.P. & ors.**)- Paras 70, 71 and 72
- (ii) 2018(4) PLJR 821 (**the V.C., Aryabhatta Knowledge University & anr. v. the State of Bihar & ors.**)- para 6 to 8.

Proceeding further, it is submitted that an artificial cut off date has been fixed in the amendment Regulation which creates an unreasonable classification. According to Mr. Shahi, while the respondent Board acting pursuant to the amendment notification has granted affiliation to all these institutions from the date they obtained recognition from the NCTE, they do not follow the same principle in so far as the petitioner Colleges are concerned who have though obtained recognition from the NCTE in the year 2016 but have been granted affiliation for the Session 2017-19 and the reasons for not extending the same benefit is missing. According to Mr. Shahi, learned Senior Counsel, the NCTE Act and the Rules framed thereunder being a parliamentary legislation, the Board is bound to follow and abide by the recognition so granted by the NCTE and cannot fix its own date for grant of affiliation. It is submitted that the petitioners cannot be penalized for the inefficiency of the Board in not taking steps for grant of affiliation to these Colleges no sooner they obtained recognition from the



NCTE. To sum up the argument, it is submitted that even if, law permits a reasonable classification but the same principles prohibits a class legislation founded on an artificial classification. According to learned counsel, a plain reading of the amendment introduced vide Regulation 8(xiii) would confirm that it is not founded on intelligible differentia rather creates a sub-class within a class of institutions who were awaiting affiliation from the Board and by fixation of an arbitrary cut off date, the petitioners institutions have been segregated.

Mr. Sinha, learned Senior Counsel, espousing the cause of the students has while reiterating the submissions made by Mr. Shahi, referred to an advisory issued by the Addl. Chief Secretary, Education Department to the Chairman, Bihar School Examination Board dated 11.2.2019, whereby an advisory has been issued to ensure that all the untrained elementary teachers working in Government schools should obtain their training by 31.3.2019 failing which process should be initiated for termination of their service. He submits that although these students had got themselves admitted for the Session 2016-18 course with the Teachers Training College at Jamui and other Colleges, but in view of the amendment, their career would be prejudiced. He submits that in so far as the Jamui Teachers Training College is



concerned, it had applied for affiliation on 4.5.2016 which has remained pending until issuance of the amendment notification which deprives these Colleges the affiliation for the Session 2016-18, which regulation is apparently discriminatory.

The arguments of the learned Senior Counsel appearing for the petitioners has been contested by Mr. Satyabir Bharti, learned counsel appearing for the Board in each of the writ petitions and in defence of the amendment regulation he submits that since it had come to the knowledge of the Board that a large number of Training Colleges had taken admissions, examination held of the students undergoing the course with due permission of the Board but without obtaining affiliation that the Board in its wisdom has taken a decision to grant affiliation to these Teachers Training Colleges where, the students were allowed to participate in the examination with permission of the Board, from the date these Colleges had obtained recognition from the NCTE. It is his argument that the case of the petitioners Teachers Training Colleges is distinct for in their case admission of the students for the Session 2016-18 has been done without taking due permission and due affiliation by the Board which is contrary to Regulation 8(10) of the NCTE Regulations, 2014, which prohibits admission by the Training Colleges until they have obtained affiliation from



the examining body i.e. the respondent Board. It is thus submitted that even if these Teachers Training Colleges had obtained No Objection from the respondent Board and had also obtained recognition from the NCTE but until such time that the affiliation could be granted by the Board that they have tried to overreach the statutory prescriptions by admitting students in their respective Colleges without obtaining affiliation, thus acting in violation of the recognition order issued by the NCTE which prohibits them to admit students without obtaining affiliation under regulation 8(10) of the NCTE (Recognition Norms and Procedure) Regulation, 2014. He thus submits that the issue of class legislation does not sustain in the present context because the two class of institutions are entirely distinct and while the 44 Teachers Training Colleges who have been granted affiliation, had admitted students and taken examination with due permission of the Board, the petitioners cannot be allowed the said benefit of affiliation.

Mr. Bharti has referred to the stand of the Board as present in paragraphs 19 to 21 of the counter affidavit filed in C.W.J.C.No. 19046/2018 to defend the regulation impugned in this batch of writ petitions albeit through the interlocutory application. Mr. Bharti has submitted that none of these Colleges have given the details of students whom they claimed are admitted on the rolls



of these Colleges for the Session 2016-18 nor any such detail has been uploaded by these Colleges on the Website which creates a doubt on the cause espoused.

Mr. Sunil Kumar Singh, learned counsel appearing for the NCTE in reference to the counter affidavit filed on their behalf in the writ petitions in which they have been arraigned as party, submits that the NCTE has granted the recognition to the Training Colleges in the year 2016 for the Session 2016-17 but Section 16 of the NCTE Act, 1993 stipulates for grant of affiliation by the affiliation body after grant of recognition by the NCTE and regulation 8(10) of the NCTE (Recognition Norms and Procedure) Regulations, 2014 prohibits admissions by such institutions until grant of affiliation. It is thus submitted that if these institutions have admitted students without obtaining affiliation from the Board they cannot seek premium on their default.

We have heard learned counsel for the parties and have perused the records.

In substance, each of the writ petitioners, i.e. whether the Teachers Training Colleges or the students who have undertaken their teachers training course in the Session 2016-18 from the Colleges, have a prayer in common and i.e. a direction to the Examining/ Affiliating Body i.e. Bihar School Examination



Board to grant affiliation to the respective Colleges for the Session 2016-18 in tune with the recognition given by the NCTE for the Session 2016-17. The grievance of the petitioners in this batch of writ petitions is that even though the College in question have obtained recognition from the NCTE for the academic Session 2016-17 well within time period so prescribed and whereafter they have also followed it up by depositing the required fee for grant of affiliation but it is because the respondent Bihar School Examination Board have delayed grant of affiliation on the pretext of Regulation being amended that the session has gone by. It is also their submission that since as per amendment to the Regulation whereby Clause (xiii) is added to Regulation 8, the Bihar School Examination Board has decided to grant affiliation to 44 Teachers Training Colleges with effect from the date they have obtained recognition from the NCTE, they should apply such principle uniformly across the Board to consider the case of the petitioners- Colleges in the same manner and the attempt by the Bihar School Examination Board to restrict the benefit only until the Session 2014-16 in respect of 44 Teachers Training Colleges whose students were allowed to appear in the examination held by the Board even in absence of grant of affiliation, is patently discriminatory and in case the respondent Board has taken a



decision to validate the courses with retrospective effect then such retrospectivity needs to be extended in the case of the petitioners-Colleges as well, in tune with the recognition granted by the NCTE for the academic Session 2016-17 and accordingly.

Learned counsel appearing for the contesting parties have relied upon the judgment of the Supreme Court in the case of **Maa Vaishno Devi Mahila Mahavidyalaya** (supra) which draws a time line for consideration of such prayers and while according to learned counsel appearing for the petitioners, the respondent Board has to grant affiliation for the session for which the Colleges have been granted recognition by the NCTE, the position is contested by the respondent Board to submit that the Supreme Court has been categorical in directing that the schedule given below paragraph 87 needs to be strictly followed and since according whereto, the Session 2016-18 has lapsed, the petitioners- Colleges have been rightly granted affiliation in the session following i.e. 2017-19.

In our opinion, the issue raised and contested has to be considered in the backdrop of Clause (xiii) added to Regulation 8, which is reproduced hereinbelow for ready reference:

“ Such Training colleges of the State of Bihar, which have been got recognition from the National Council of Teacher’s Education up to training session 2014-16



before promulgation of the National Council of Teacher's Education Regulation, 2014 and could not have been given affiliation from the Board due to certain reasons and regular examination for the admitted students of the said Colleges has been organized and result of the same have also been published by the Board, shall deemed to be affiliated from the Board under the Bihar School Examination Board (Issuance of Teachers Education No Objection Certificate, Affiliation Norms and Procedure) Regulation, 2016 from the session of getting recognition from the Eastern Regional Committee, the National Council of Teacher's Education, Bhubaneshwar/ the National Council of Teachers Education, New Delhi.

But the Board shall be competent to inspect and take action against the Colleges of the said category accordingly, under the Bihar School Examination Board (Issuance of Teachers Education No Objection Certificate, Affiliation Norms and Procedure) Regulation, 2016.”

This amendment though notified on 7.7.2018, has been published in the Bihar Gazette Extra-ordinary during the midst of the hearing on 9.3.2019. By a separate Gazette Notification of the same date, the Bihar School Examination Board (Issuance of Teachers Education No Objection Certificate, Affiliation Norms and Procedure) Regulation, 2016 have also been notified.



For the present we would refrain from entering into the issue of delayed action of the State in publishing the '2016 Regulations' as well as the amendment vide regulation 8(xiii) through separate Notifications during the pendency of hearing of the present writ petitions because though it reflects the conduct and the seriousness with which education and matters incidental thereto, are being addressed by the State, it would only delay the disposal of these matters without any fruitful revelation. May be a pointed query by this Court during the course of hearing, led to such awakening.

Reverting to the matter in issue, the stand of the Board present at paragraphs 19 to 21 of the counter affidavit in C.W.J.C.No. 19046/2018 is peculiar and is reproduced hereinbelow because it though recognizes the right of 44 Colleges for grant of affiliation right since the year 1997-98 until the Session 2014-16 and proceeds to validate the action, a similar position or if we may observe, a better accompanying circumstance existing in the case of the petitioners, has been brushed aside, hiding behind regulation 8(10) of '2014 regulation'. We are persuaded to reproduce para 19 to 21 for ready reference:

“19. That in the present context it is relevant to point out that it is in order to regularize the recognition conferred upon the non-affiliated colleges/ institutions,



which were granted recognition by the National Council of Teachers Education up to the training sessions 2014-16, even prior to the promulgation of the National Council of Teachers Education, Regulation 2014, to whom affiliation had not been accorded by the Board earlier, although the regular examination of the admitted students of the said colleges were organized up till the academic session of 2013-15 and results of the same have also been published by the Board that Amendment had been brought vide “Bihar School Examination Board (Issuance of No Objection Certificate, Application Norms and Procedure) (Amendment) Regulation, 2018 modified vide T.T. Pre 695 dated 7.7.2018, which had been to the effect that such training colleges of the State of Bihar, which have been got recognition from the National Council of Teacher’s Education up to training session 2014-16, before promulgation of the National Council of Teacher’s Education Regulation, 2014 and could not have been given affiliation from the Board due to certain reasons and regular examination for the admitted students of the said colleges had been organized and result of the same have also been published by the Board, shall be deemed to be affiliated from the Board under Bihar School Examination Board (Issuance of Teachers Education No Objection Certificate, Affiliation Norms and Procedure) Regulation, 2016 from the session of getting recognition from the Eastern Regional Committee, the National Council of Teacher’s



Education, Bhuvneshwar/ the National Council of Teacher's Education, New Delhi.

20. That thus such institutions, which were covered with the aforesaid Amended Regulation, 2018, i.e. institution which had been given recognition by the NCTE for the academic session 2014-16, prior to promulgation of NCTE Regulation, 2014, but were not given affiliation by the Board, still examination of such institutions were earlier conducted by the Board up till the academic session of 2013-15, it is only for such institutions that proposal fixing date of examination for different previous academic session thereafter i.e. for the academic session 2014-16, 2015-17 and 2016-18 had been passed vide letter dated 16.7.2018.

21. That it is submitted that the case of the petitioners institution/ colleges are completely different and distinguishable inasmuch as the petitioners institution/ colleges had been granted recognition by the NCTE in the year 2016 for the academic session 2016-17 after promulgation of NCTE Regulation, 2014 and no examination pertaining to D.El.Ed. Course of the petitioners institution/ colleges had earlier been conducted by the Board and also as affiliation to the institutions in question had been granted by the Board on 26.9.2017 for the academic session 2017-19, hence the claim of the petitioners institution/ colleges to accept their examination form for an anterior period i.e. for the session 2016-18 in terms of advertisement no. PR-204/18 is out rightly not tenable.”



We find it rather surprising that while on one hand the Board proceeds to validate an otherwise illegal action simply because the Board allowed the students of these 44 Colleges to appear in the examination even when these 44 Colleges were without affiliation, in so far as these petitioners Colleges are concerned, all that they asked is for grant of affiliation for the session for which they have obtained recognition from the NCTE but have been denied such consideration on grounds that they should not have admitted students without obtaining affiliation from the Board.

In our opinion, the Board cannot approbate and reprobate at the same time and if these petitioners colleges have defaulted in admitting the students for the Session 2016-18 without obtaining affiliation from the respondent Board although they had obtained recognition for the said session from the NCTE which according to the Board is in gross violation of Clause 8(10) of the NCTE Regulation, 2014, then on the same ground the validating provision sought to be incorporated through Clause (xiii) to Regulation 8 of '2016 Regulations' would have to be struck down for apparent violation of Article 14 of the Constitution of India.



It is by-now well settled that even though a class legislation based upon intelligible differentia with a purposeful object can withstand the test of discrimination but where it fails to satisfy such test, it would invite an intervention.

The list of 44 Colleges has been enclosed by the petitioners in C.W.J.C.No. 20491/2018 at Annexure 6 and a plain reading of the same would confirm that the Board has granted affiliation to these 44 Colleges on 18.8.2018 with retrospective effect from the session these Colleges have obtained recognition from the NCTE. In fact the College at serial no. 36 St. Teresa Prathimik Shikshak Shiksha Mahavidyalaya, Charch Road, Bettiah has been granted affiliation with effect from 1997-98 on grounds that it had obtained recognition for the said session from the NCTE.

Mr. Bharti has relied upon the judgment of **Maa Vaishno Devi Mahila Mahavidyalaya** (supra) to oppose the prayer of the petitioners on grounds that it fails on the schedule given by the Supreme Court. In our opinion, the same analogy would also apply to Clause 8(xiii) in trying to validate the examinations held for the Sessions 1997-98 onwards. Definitely the Board cannot be allowed to have different yardsticks and if the petitioners Colleges herein are being denied affiliation in reference



to Clause 8(10) of the NCTE Regulation, 2014 which obliges a Training Institute to admit students only after getting affiliation from the Board, then applying the same principle the Board cannot validate the examination of 44 Colleges sought to be done through amendment incorporated vide Regulation 8(xiii) to '2016 Regulation'.

Mr. Bharti, learned counsel for the Board has relied upon the directions of the Supreme Court issued in the case of **Rambha College of Education** (supra) enclosed in the counter affidavit filed on behalf of the Board in C.W.J.C.No., 19046/2018, at Annexure 'C' to oppose the prayer but in our opinion the directions so relied upon by Mr. Bharti, learned counsel for the Board, to oppose the prayer in fact goes on to support the claim of the petitioners because while the directions so present allow the Board to consider the claim advanced if it does not disturb the academic session, as per the Board stand present in paragraph 20 of the counter affidavit quoted above, it intends to hold examination for the Sessions 2014-16, 2015-17 and 2016-18 for these 44 Colleges and thus no issue arises of disturbance in the academic session. The direction of the Supreme Court issued in Writ Petition No. 561 of 2018 (**Rambha College of Education vs. National Council for Teacher Education & ors.**) enclosed at



Annexure C, touches upon the Schedule fixed in the case of **Maa Vaishno Devi Mahila Mahavidyala** (supra) and relevant extract of which is reproduced hereunder, for ready reference:

“ Recognition for the Academic year 2018-2019 has been granted by the National Council for Teacher Education (NCTE) in the above cases in terms of the orders passed by this Court directing consideration of grant of recognition in modification of the schedule fixed by this Court in Maa Vaisno Devi Mahila Mahavidyalaya vs. State of U.P. & ors. (2013) 2 SCC 617.

The next step that would be required to be taken before the counselling and admission can commence is grant of affiliation by the different affiliating bodies.

We make it clear that if the regular academic session in the concerned States has already commenced, the question of affiliation for 2018-19 will not arise. However, if the regular academic session is yet to commence and without causing any disturbance to the session, if affiliation can be granted by following the laid down norms, the different affiliating bodies will be at liberty to so act.

Writ petitions and all pending applications are disposed of in the above terms.

... ..”

We completely fail to appreciate as to how in view of the liberty present in the directions of the Supreme Court and in



view of the specific stand present at paragraph 20 of the counter affidavit so above quoted, there could be any reason for the Board to deny the same benefits to these petitioners as extended to 44 Colleges by incorporation of Clause (xiii) to Regulation 8, especially in view of the observations of the Supreme Court present in the case of **Sattar Memorial College of Education vs. State of Bihar & Anr.** arising from Writ Petition (Civil) No. 713/2016 enclosed at Annexure 'A series' to the counter affidavit, which runs under:

“ ”

Regard being had to the nature of the prayer made, we only direct the respondent no.2, Secretary, Bihar School Examination Board, to consider the application for grant of affiliation within two weeks hence and intimate the result thereof to the petitioner. The Board may, if legally permissible, consider the prayer for grant of affiliation for academic year 2016-17. Be it clarified, we have not expressed any opinion on the merits of the case.”

(Emphasis supplied by us)

It is pathetic that despite directions present in the order of the Supreme Court passed in the case of **Sattar Memorial College of Education** (supra) and **Rambha College of Education** (supra) the Board has taken recourse to legislative sanction for



denying the benefit of grant of affiliation to the Colleges in reference to the session for which these Colleges have been granted recognition from the NCTE, a policy, which they themselves have followed in the case of 44 Colleges while validating the examinations held in between 1997-98 upto 2014-16 through incorporation of Clause (xiii) to Regulation 8 of '2016 Regulations'.

Article 14 of the Constitution of India guarantees a citizen of the Country that the State shall not deny him/ her, the equality before law or equal protection of laws within the territory of India. In simple terms Article 14 of the Constitution of India forbids a class legislation by a State though, it does not forbid a reasonable classification provided it is not arbitrary and is based on some sound object. Where the members of a same class are treated differently with an object to outclass them, though similarly placed, it would strike at the root of Article 14 of the Constitution and such legislation cannot reflect the will of the people rather is designed to provide relief to a class in particular and thus would fail on the test of discrimination.

Regulation 8(xiii) notified on 7.7.2018, also quoted above admits to creation of a class of such institutions whose students were allowed to appear in the examination held by the



respondent Board right since 1997-98 and since the students of these institutions were permitted by the Board to appear in the examination, hence to correct their own lapses that the Board has come up with the amendment to 2016 Regulations vide incorporation of Clause (xiii) to Regulation 8 and by retrospectively granting affiliation to these institutions from the Sessions they have obtained recognition from the NCTE.

In our opinion, if Mr. Bharti would rely on the opinion of **Maa Vaishno Devi Mahila Mahavidyalaya** (supra), the legislation fails because it validates the action of the Board which fails on the schedule laid down in the judgment of the Supreme Court. If Mr. Bharti would rely upon Clause 8(10) of the NCTE Regulation, 2014 to oppose the claim of these petitioners in admitting the students without obtaining affiliation from the Board then on the same principle the validation given to those 44 Colleges would also fail. If Mr. Bharti would rely upon the orders passed by the Supreme Court in the case of **Rambha College of Education** or **Sattar Memorial College of Education** even then the Regulation fails because the Supreme Court had advised the respondent Board to see whether these institutions could be granted affiliation without disturbing session and since in paragraph 20 of the counter affidavit, a specific stand has been



taken by the Board to hold examination for those 44 Colleges for the Sessions 2014-16, 2015-17 and 2016-18 then the same facility cannot be denied to the petitioner institutions rather needs to be extended to the petitioners as well.

Testing the amendment on the touchstone of Article 14 bearing note of the discussions above, it would have been a simple task for us to strike down the amendment but considering the intent/ object behind the amendment, we are persuaded to give a purposeful interpretation to the amendment which would remove the discriminatory aspect present in the provision in restricting its applicability only until the session 2014-16 which is not based upon intelligible differentia especially where the provision seeks to grant affiliation with effect from the session the NCTE has granted recognition to the institutions in particular.

We take note of the opinion expressed by the Supreme Court in the case of **Namit Sharma vs. Union of India**, since reported in (2013)1 SCC 745, more particularly paragraphs 51 and 61 which advises the Courts to adopt an interpretation which goes to uphold constitutionality of a statute with the aid of the principles like “reading into” and/or “reading down” the relevant provisions, as opposed to declaring a provision unconstitutional.

“51. Another most significant canon of determination of constitutionality is that the courts would be



reluctant to declare a law invalid or ultra vires on account of unconstitutionality. The courts would accept an interpretation which would be in favour of the constitutionality, than an approach which would render the law unconstitutional. Declaring the law unconstitutional is one of the last resorts taken by the courts. The courts would preferably put into service the principle of “reading down” or “reading into” the provision to make it effective, workable and ensure the attainment of the object of the Act. These are the principles which clearly emerge from the consistent view taken by this Court in its various pronouncements.

61. It is a settled principle of law, as stated earlier, that courts would generally adopt an interpretation which is favourable to and tilts towards the constitutionality of a statute, with the aid of the principles like “reading into” and/or “reading down” the relevant provisions, as opposed to declaring a provision unconstitutional. The courts can also bridge the gaps that have been left by the legislature inadvertently. We are of the considered view that both these principles have to be applied while interpreting Section 12(5). It is the application of these principles that would render the provision constitutional and not opposed to the doctrine of equality. Rather the application of the provision would become more effective.”



We thus choose to read down Clause (xiii) which is sought to be added to Regulation 8 of '2016 Regulations' by removing the bar of session i.e. 2014-16, to cover all training sessions as until the date on which the notification was published i.e. 7.7.2018 and since on principle the Board has resolved to grant affiliation to the Training Colleges from the session the said Colleges have obtained recognition from the Eastern Regional Committee, the National Council of Teachers Education, Bhubaneswar/ National Council of Teachers Education, New Delhi, applying the same principles the Board would grant affiliation to these petitioners institutions as well from the sessions they have obtained recognition from the NCTE. That the respondent Board have at paragraph 20 of the counter affidavit showed intentions to hold examination for the academic Session 2014-16, 2015-17 and 2016-18 for the Colleges, whose past examination have been validated, the Board shall allow the students of the petitioners institutions also to participate in the Session 2016-18 unless otherwise found ineligible to participate. Let the exercise of grant of affiliation be completed by the Board within four weeks of receipt/ production of a copy of the judgment.

Let a writ in the nature of mandamus issue accordingly.



The writ petitions are allowed with the directions
aforementioned. The interlocutory applications are disposed of
accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Surendra/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	16.04.2019
Transmission Date	NA

