

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14378 of 2019

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J. P. Institute of Technology Biyabani, Biharsharif, Nalanda, P.O.-Maghra,
District- Biharsharif, Pin-803101 through its Secretary, Shri Shailesh Kumar,
Male, aged about 43 years, son of Shri Yugeshwar Prasad, resident of Main
Road Rana Pratap Nagar, Chas, P.S.-Chas, District- Bokaro, Pin -827013

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Science and Technology
Department, Bihar, Patna
2. Secretary, State Board of Technical Education, Bihar, Patna
3. All India Council for Technical Education, New Delhi, through its Secretary
4. Chairman, All India Council for Technical Education, New Delhi
5. Secretary, All India Council for Technical Education, New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the Respondent/s	:	Mr. P. N. Shahi, AAG-6
		Mr. Mritunjay Kumar, AC to AAG-6
For the AICTE	:	Mr. Kumar Brijnandan, Advocate
		Mr. Tarees Hameed, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 13-09-2019 Heard learned counsel for the petitioner and the
respondents.

2. Pursuant to order of this Court, the AICTE has
inspected the institution and submitted its report.

3. From the report, it appears that the objection was
only with regard to barrier free environment. Later on, the
AICTE noted the further deficiency in the nature of fire and
safety certificate.

4. Mr. Abhinav Srivastava, learned counsel for the



petitioner submits that within a span of ten days the AICTE carried two inspections and in the second inspection dated 23.08.2019 AICTE added one more deficiency in the nature of fire and safety certificate. He further submits that these two deficiencies has absolutely no concern with the excellence of education and it only involves expenditure.

5. So far as objection as to barrier free environment is concerned, it is in relation to physically challenged students. Mr. Srivastava submits that not a single candidate belonging to disabled is presently studying in the institution, yet the institute is committed to comply the requirement as to barrier free environment and process of construction in this regard is on.

6. So far as fire and safety certificate is concerned, Mr. Srivastava submits that this objection, though not, mentioned in the inspection dated 13.08.2019, yet the petitioner institute is taken the step. He submits that in order to meet the two objections i.e. barrier free environment and the fire and safety certificate, one has to spent 5-6 lakh to ensure compliance of the aforesaid objection.

7. Mr. Brijnandan, learned counsel appearing on behalf of the AICTE vehemently opposed the prayer of the petitioner for grant of any indulgence on various grounds



including the objection as to time frame indicated by the Apex Court.

8. In the previous order, this Court has noted the different understand taken at different time by the AICTE in inventing deficiencies. This Court has considered the malicious attitude of the AICTE and directed to carry inspection so that appropriate decision may be taken by the AICTE before adversely affecting the interest of the institution in the matter of taking admission in academic Session 2019-20.

9. Considering the totality of the facts situation, as would be evident from the record of this case, the Court is of the considered view that the manner in which the piecemeal deficiencies are pointed out by the AICTE in different inspections and decision after deliberation is not a fair approach of institution or organization like AICTE.

10. Now the deficiency has boiled down to only two deficiencies i.e. barrier free environment and fire and safety certificate.

11. Considering the aforesaid, the Court direct the petitioner to submit Bank guarantee of Rs. 10,00,000/- (Ten Lakh) to the AICTE within a period of one week from today and on deposit of the same, the AICTE may take appropriate



decision with regard to grant of necessary approval for running diploma course for the academic Session 2019-20.

12. On behalf of State of Bihar, today a counter affidavit has been filed duly affirmed by the Secretary, S.B.T.E. Patna wherein stand has been taken in para 4 that the AICTE has indicated the intake of students for different Diploma Course is as Zero. The aforesaid stand is in the natural corollary of the objection of the AICTE and as such the Court direct the AICTE to take appropriate decision within a period of fifteen days on the issue of issuance of letter of approval, once the AICTE grants letter of approval. The other respondents including the respondent no.2 is expected to take steps in accordance with law keeping in view that the interest of the institution may not suffer adversely due to institutional delay.

13. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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