

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19779 of 2019

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Maa Kamla Chandrika Jee Teachers Training College Plot No.- 1730, Street No.- C Nagar, Vill.- Nauru, P.O.- Jehanabad, Town/ City- Jehanabad, Dist.- Jehanabad, Bihar- 804408 through its Director Dr. Sanjay Kumar male aged about 42 years, S/o Dr. Chandrika Prasad Yadav, R/o 102 Chandra Kunj Apartment, Patna Dental Hospital, Exhibition Road Chowk, P.S.- Gandhi Maidan, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat (Vikash Bhawan), Patna.
2. The Bihar School Examination Board, Sinha Library Road, Patna through its Secretary.
3. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
4. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
5. The Director (Education), Bihar School Examination Board, Patna.
6. The National Council for Teacher Education, Hans Bhawan Wing- II, Bahadurshah Zafar Marg, New Delhi- 110002 through its Member Secretary.
7. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15 Neelkanth Nagar, Nayapalli, Bhubneshwar- 751012.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr.Suman Kumar, Advocate
For NCTE	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr.Prabhakar Jha (Gp22) Mr. Mukund Mohan Jha, GP-27
For B.S.E.B.	:	Mr. Amarendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 25-09-2019 Pursuant to the order dated 24.9.2019, the Director Academic, Bihar School Examination Board is present in Court.

He submits that due to inadvertence there is no reference in the impugned order that decision was taken by the



Bihar School Examination Board. In fact, decision was taken by the Board. He has simply communicated the decision of the Board. He explained with reference to the previous order of Maa Vaishno Devi Mahila Mahavidyalaya & Ors vs. Uttar Pradesh State & Ors. dated 13.12.2012 that the last date fixed by the Apex Court was 10.03.2017 which was not followed in the case of petitioner institution and as such the Board took decision not to grant indulgence to the petitioner institution as the application for affiliation was submitted on 22.5.2017. He admits that the competent authority in the matter of grant of recognition is NCTE and it is also not in dispute that vide order dated 2.5.2017 the NCTE has granted recognition/permission to institution in question for conducting D.E.I.Ed. Programme for two years duration with intake of 100 from the academic session 2017-2018 under Clause 7(16) of NCTE (Recognition Norms & Procedure) regulations, 2014. He fairly admits that the Board was not aware of the order passed by the Apex Court in I.A. No. 16 of 2017 in Writ Petition (Civil) No (s). 276 of 2012 dated 2.3.2017. The Board would not have taken decision against the institution if the Board was aware of the order dated 2.3.2017.

The order of the Apex Court dated 2.3.2017 in Maa



Vasishno Devi Mahila Mahavidyalaya vs. State of U.P. & Ors is quoted below for ready reference;

“The prayer made in I.A. No. 16 is allowed. Accordingly, the last date of issuance of formal order of recognition for Session the 2017-2018 is extended till 02.05.2017 and the last date for grant of affiliation by the concerned authority is extended till 30.05.2017.

We further make it clear that in case the affiliating authority requires further time for grant of affiliation, it will be open for such authority to move this Court by way of a separate application, which will be considered on its own merit.”

The Apex Court has extended the period of submitting application for affiliation up to 30.5.2017 for academic session 2017-2018. The Apex Court in the order has extended time till 02.05.2017 for grant of recognition by the NCTE for academic session 2017-18 and the time was extended up to 30.5.2017 for affiliating authority.

Since permission/recognition was granted till 2.5.2017 was well within time extended by the Apex Court vide order dated 2.3.2017 and application for affiliation in Bihar School Examination Board on 22.5.2017 was well within extended time by the Apex Court vide order dated 2.3.2017.

Under the aforesaid circumstances, he admits that there appears to be an error in the decision making process. However, he submits that the error can be rectified by the Board



only as he is not competent to annul the decision of the Board.

Considering the aforesaid, the writ petition is disposed of with a direction to the Bihar School Examination Board to take appropriate corrective measures in the light of the decision of the Apex Court dated 2.3.2017 in I.A. No. 16 of 2017 and the relevant part of the same has been quoted hereinabove.

The corrective measures shall be adopted by the Bihar School Examination Board at the earliest so that the institution may not suffer adversely in the matter of examination of D.E.I.Ed. course in the ensuing examination.

(Anil Kumar Upadhyay, J)

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