

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19926 of 2019

Dr. Trisuldhari Pandey Memorial College of Education Vill- Amera, P.O. Bhatahar, P.S. Tharthari, Distt. Nalanda, Bihar through its Chariman Sri Rajesh Kumar, Son of Shakendra Prasad, Resident of Budh Bihar Colony, Post. R.S. Gaya, Budhlalbhagat Banglapar, P.S. Gaya, Distt. Gaya, Bihar.

... .. 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

Appearance :

For the Petitioner/s	:	Mr. Suman Kumar, Advocate
For the Respondent/s	:	Ms. Shilpa Singh, G.A. 12
For N.C.T.E.	:	Mr. Sunil Kumar Singh, Advocate
		Mr. Md. Azimuddin, Advocate
		Mr. Ranvijay Singh, Advocate
		Mr. Tanay Bhaskar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner, learned counsel for the Bihar School Examination Board, learned counsel appearing for the respondent State as well as learned counsel appearing on behalf of the N.C.T.E.

The institution in question was granted permission/recommendation by the N.C.T.E. for academic session 2017-19 vide order dated 02.05.2017.

Learned counsel for the petitioner would submit that after the permission was granted by N.C.T.E. in terms of



extention of time by Apex Court in the Case of Maa Vaishno Devi Mahila Mahavidyalaya vide order dated 02.03.2017. The petitioner approached the Bihar School Examination Board for grant of affiliation on 10.05.2017. The extended time period for application for grant of affiliation was available up to 30.05.2017. In fact, the application of the petitioner reached the B.S.E.B. much before the cut off date on 30.05.2017. But on erroneous consideration of fact that the claim of the petitioner was rejected by the B.S.E.B. on the ground that the application for affiliation was filed on 10.05.2017 whereas the last date for application for grant of affiliation was up to 10.03.2017.

This Court has relied upon the order of the Apex Court in Maa Vaishno Devi Mahila Mahavidyalaya case order dated 02.03.2017 for deciding similar writ petitions. The relevant portion of the order dated 02.03.2017 is quoted hereinbelow:

“1. Heard learned counsels for the parties.

2. The prayer made in I.A. No. 16 is allowed. Accordingly, the last date of issuance formal order of recognition for session 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.

3. 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.

4. I.A. No. 16 of 2017 is accordingly disposed of.”

In view of the order passed by the Apex Court, the last date for granting permission by N.C.T.E. was 02.05.2017 and the last date for submission of application for grant of affiliation is 30th May, 2017 and as such the order of the BSEB is patently wrong and without application of mind to the order passed by the Apex Court and as such the order dated 13.09.2019 cannot sustain. It is, accordingly, quashed. The Bihar School Examination Board is directed to consider afresh the application for grant of affiliation submitted by the petitioner on 10.05.2017 i.e. much before the cutoff date i.e. 30.05.2017 in the light of the decision of the Apex Court quoted above dated 02.03.2017.

With the aforesaid, the present writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

uma/-

U			
---	--	--	--

