

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21059 of 2019

National B. Ed. College of Higher Education, Murgiyachak Road, Mohammadpur, Janipur, Patna through its Secretary Madhuri Kumari, Female, aged about 43 years, W/o Md. Aquil Haider, R/o Flat no. 402, Dwadashdas Dham Apartment, Gorakh Nath Lane, Boring Road, P.S.-Kotwali, Buddha Colony, Patna, Bihar- 800001.

... .. Petitioner

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 it's 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	:	Mr. Y.V. Giri, Senior Advocate
		Mr. Suman Kumar, Advocate
For the State	:	Smt. Shilpa Singh, G.A.12
For B.S.E.B.	:	Mr. Ajay, Advocate
For NCTE	:	Mr. Sunil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 16-01-2020 Heard Mr. Y.V. Giri, the learned Senior counsel appearing on behalf of the petitioner and Mr. Ajay, the learned counsel for the Bihar School Examination Board.

Mr. Ajay, the learned counsel appearing on behalf of the Bihar School Examination Board submits that the petitioner has earlier filed CWJC No.3936 of 2019 in which the judgment



was kept reserved vide order dated 16.05.2019. The petitioner filed CWJC No.3936 of 2019 for grant of affiliation to the petitioner for session 2017-19 but during the pendency of CWJC No.3936 of 2019, the students of the college filed CWJC No.16962 of 2019 and a Bench of this Court vide order dated 20.08.2019 directed the Bihar School Examination Board to consider the case for grant of affiliation to the petitioner in the light of the judgment dated 28.03.2019, passed in CWJC No.19046 of 2018. Thereafter the Bihar School Examination Board considered the case for grant of affiliation to the petitioner and by order dated 13.09.2019 (Annexure-7), the application for grant of affiliation to the petitioner for session 2017-19 has been rejected, therefore, the petitioner filed this writ petition.

Mr. Y.V. Giri, the learned Senior counsel for the petitioner submits that this fact should have been brought to the notice of the Court but there is a fresh cause of action and, therefore, the petitioner filed the present writ petition.

I find that since the petitioner has already filed CWJC No.3936 of 2019 for grant of affiliation for session 2017-19 and the judgment is reserved, the petitioner should have filed supplementary affidavit bringing the facts (Annexure-7) that the



prayer for grant of affiliation for session 2017-19 has already been rejected.

This writ petition is disposed of with liberty to the petitioner to file I.A. petition in CWJC No.3936 of 2019 bringing to the notice of the Court that by Annexure-7, the prayer for grant of affiliation to the petitioner for session 2017-19 has already been rejected.

(Prabhat Kumar Jha, J)

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