

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2548 of 2020

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M.P. College of Education Chandani Chawk, P.O.- Godhera, P.S.- Madhepura,
Dist Madhepura, Bihar, code ERCAPP3506 through its Secretary, Iftakhar
Ahmad Rahman (M), aged about-43 years, S/o Farookh Ahmad, Resident of
ward no. 31, Chakraham, Darbhanga, Bihar-846004

... .. Petitioner/s

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Respondent/s : Mr.Lalit Kishore

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 18-02-2021 The present writ petition has been filed
seeking the following reliefs:-

"(a) For a direction to the respondents especially respondent no. 1, 2 and 3 to consider the case of the petitioner and rectify the order dated 13.09.2019 issued by the Academic Director, Bihar School Examination Board whereby and whereunder the BSEB has considered the case of other Institutions but in Para-3 of the aforesaid order the petitioner institution has not been granted affiliation on the ground that the petitioner institution has applied



for affiliation with delay on 26.04.2017. The B.S.E.B. has not taken into consideration that it has granted to Aryabhata Teachers Training College (in CWJC No. 20383 / 2019), Kamla Chandrika Jee Teachers Training College Jehananbad (CWJC No. 19779/2019), Dr. Trishuldhari Pandey Memorial College of Education, Amera, Nalanda (CWJC No. 19926/2019) who have filed application much later than the petitioner and on the other hand denied affiliation to the petitioner institution which clearly shows discrimination.

(b). For issuance direction/s to the respondents especially respondent no. 1, 2 and 3 to consider the case of the petitioner and rectify the order dated 13.09.2019 issued by the Academic Director keeping in view of the order made by the Highest Court of India 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
MaaVasishno Devi Mahila
Mahavidyalaya vs. State of U.P. &
Ors."

The learned counsel for the petitioner has referred to two orders passed by a coordinate Bench of this Court in similar matters, which are the ones dated 25.09.2019 and 26.09.2019, passed in CWJC No. 19779 of 2019 and CWJC No. 19926 of 2019. It would be relevant to reproduce the relevant portion of the order dated 26.09.2019 passed in CWJC No. 19926 of 2019 hereinbelow:-

"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."

The learned counsel appearing for the Bihar School Examination Board submits that he has no objection in considering the application of the petitioner for grant of affiliation, afresh.

Accordingly, the writ petition stands disposed of in terms of the aforesaid order dated 26.09.2019 passed in CWJC No. 19926 of 2019.

(Mohit Kumar Shah, J)

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