

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5927 of 2021

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Association of NCTE approved Teacher Training Colleges Trust Registered Office at 104/A, Sri Ram Parisar, Road No. 11, Patel Nagar, Patna - 800023 (Bihar) through its Chairman Sri Nityadeo Kumar Verma Son of Late Mundrika Prasad.

... .. Petitioner/s

Versus

1. Aryabhatta Knowledge University Chanakya National Law University Campus, near Bus Stand, Mithapur, Patna through its Registrar.
2. The Vice Chancellor, Aryabhatta Knowledge University, Chanakya National Law University Campus, near Bus Stand, Mithapur, Patna.
3. Patliputra University (Patna) Bihar, Chitragupta Nagar Road, Munna Chak, Kankarbagh, Bankman Colony, Patna (Bihar) through its Registrar.
4. The Vice Chancellor, Patliputra University (Patna) Bihar, Chitragupta Nagar Road, Munna Chak, Kankarbagh, Bankman Colony, Patna (Bihar).
5. Tilka Manjhi Bhagalpur University, Ravindra Bhawan Road, Sitnabad, Tatarpur, Bhagalpur (Bihar) through its Registrar.
6. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Ravindra Bhawan Road, Sitnabad, Tatarpur, Bhagalpur (Bihar).
7. Jai Prakash University, Dak Bungalow Road, Saran, Chapra (Bihar) through its Registrar.
8. The Vice Chancellor, Jai Prakash University, Dak Bungalow Road, Saran, Chapra (Bihar).
9. Magadh University, Bodh Gaya, District - Gaya (Bihar), through its Registrar.
10. The Vice Chancellor, Bodh Gaya, District - Gaya (Bihar).
11. Purnea University, Purnea, Saant Kabir Nagar, Madhubani, Purnea (Bihar) through its Registrar.
12. The Vice Chancellor, Purnea University, Purnea, Saant Kabir Nagar, Madhubani, Purnea (Bihar).
13. National Council for Teachers Education, Eastern Regional Committed, 15, Neelkantha Nagar, Naya Palli, Bhubaneshwar (Odhisia) through its Regional Director.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raju Giri, Adv.
For the Respondent/s : Dr. Anand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2021

The present writ petition has been taken up for



consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner, Shri Raju Giri and Dr. Anand Kumar, the learned counsel appearing for the respondent Aryabhatta Knowledge University, Patna as well as Patliputra University, Bihar, Patna.

The present writ petition has primarily been filed by the Association of NCTE approved Teacher Training Colleges for directing the respondent Universities of Bihar to grant permanent affiliation to all the B. Ed. Training Colleges situated under all the universities in the State of Bihar, who have been granted recognition by the National Council for Teacher Education under sub Section (3) (a) of Section 14 of the Act.

This Court is prima facie of the view that such cause of action, for which the present writ petition has been filed at the behest of the Association of the NCTE approved Teachers Training Colleges is not a collective cause of action, but the cases of various B. Ed. Training Colleges are required to be considered individually in light of the prevailing facts and circumstances of the individual cases of such B. Ed. Training



Colleges.

In such view of the matter, the learned counsel for the petitioner has submitted that at least this Hon'ble Court may observe that in a catena of decisions, this Court as also the Hon'ble Apex Court has held that once the NCTE has granted recognition, the concerned University has to mandatorily grant affiliation and there is no concept of grant of provisional affiliation, hence, permanent affiliation is to be granted in terms of and considering the mandate of the letter of recognition granted by the NCTE, individually to various B. Ed. Training Colleges.

In this connection, the learned counsel for the petitioner has relied on the judgments rendered by the Hon'ble Apex Court in the case of **State of Maharashtra vs. Sant Dyaneshwar Shikshan Mahavidyalaya & Ors.**, reported in (2006) 9SCC 1 and the one rendered in the case of **Maa Vaishno Devi Mahila Mahavidyalaya vs. State of Uttar Pradesh & Ors.**, reported in (2013) 2 SCC 617. In fact reliance has also been placed upon a recent judgment of this Court, reported in 2021 (1) BLJ 751 [**Md. Ataur Rahman & Ors. vs. Babasaheb Bhimraon Ambedkar University & Ors.**] .



The learned counsel appearing for the respondent University submits that there is no quarrel of the fact that individual cases of the B. Ed. Training Colleges are to be considered for grant of affiliation, once recognition is extended by the National Council for Teacher Education under Sub Section (3) (a) of Section 14 of the NCTE Act, 1993.

Having regard to the submissions made by the learned counsel for the parties, and as prayed for by the learned counsel for the petitioner, liberty is granted to the individual B. Ed. Training Colleges to file appropriate writ petitions before this Hon'ble Court, agitating their respective subsisting grievances and in case such writ petitions are filed, the same shall be appropriately dealt with in accordance with law.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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