

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20615 of 2019

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Raghunandan Teachers Training College, Plot no. 432, Street /Road- Shivala Road, Vill. Mathiapur, P.O.- Jasnaut, Danapur, Dist.- Patna, Bihar- 801503 through its Secretary Rabindra Kumar Singh, male, aged about 51 years, S/o Late Raghunandan Singh, R/o Near Kalisthan, Saguna, Mathiyapur, P.S.- Sherpur, Danapur Cantt, Patna, Bihar- 801503.

... .. 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. Sanjay Kumar Mr.Suman Kumar
For the Respondent/s	:	Mr.Kameshwar Kumar (GP-17)
For NCTE	:	Mr. Sunil Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 13-04-2021 This matter has been taken up online because of COVID-19 pandemic restrictions.

2. Raghunandan Teachers Training College, through its Secretary (hereinafter referred to as ‘the Institution’) has filed the present writ application seeking quashing of an order dated 13.09.2019, issued by the Director (Education), Bihar School



Examination Board, whereby the petitioner's request for grant of affiliation to the Institution for the academic session 2017-19 for D.El.Ed. Course has been rejected.

3. It is the petitioner's case that the National Council for Teacher Education had granted recognition/permission to the institution for conducting D.El.Ed. Programme of two-year duration with an intake of 100 (two basic units) from the academic session 2017-19. After getting recognition, the institution applied for affiliation with the affiliating examination body viz, Bihar School Examination Board on 03.02.2017 with a copy of the recognition order, making a request for grant of affiliation to the institution from the academic session 2017-19 so that process of conducting D.El.Ed. Programme may be started from the said academic session. The Institution has been granted affiliation by the Board from the academic session 2018-20. It is the petitioner's case, however, that pursuant to grant of recognition by the NCTE, the institution had given admission to students for the session 2017-19 also, who have completed their course but the respondent-Board has denied registration of such students for them to appear in the examination.

4. The petitioner had earlier approached this Court by



filing CWJC No. 10134 of 2019, which was disposed of by an order dated 24.07.2019 along with other writ applications which were treated analogous in following terms:-

“This batch of writ petitions involves similar facts and as such they are disposed of with the same order.

In a judgment of a Division Bench of this Court in CWJC No. 19046 of 2018 a batch of writ petitions were disposed of on 16.07.2019. The Court has taken note of the stand of the counsel appearing on behalf of the Bihar School Examination Board. The matter is to be considered by the Full Bench and if the case of the petitioners is covered by the decision of the CWJC No. 19046 of 2018, the Board will take appropriate decision in the same line.

Considering the aforesaid, these writ petitions are disposed of with a direction to the Examination Board to consider the claim of all the petitioners in the light of the judgment in CWJC No. 19046 of 2018, decided by Division Bench, if it is found by the Board that the cases



of the petitioners are similar to that of the CWJC No. 19046 of 2018 and analogous cases, similar decision may be taken and similar benefit may be extended to these petitioners also.

With the aforesaid, the present writ petitions stand disposed of.”

5. In compliance of the aforesaid order of this Court, the impugned order has been passed by the Director (Education) Bihar School Examination Board. From the impugned order it transpires that the petitioner's application for grant of affiliation has been rejected because of late submission of the proposal beyond the time schedule prescribed by the Supreme Court in case of **Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P.** reported in (2013) 2 SCC 617. This is not in dispute that in the light of the direction contained in paragraph 87 of the decision in case of **Maa Vaishno Devi Mahila Mahavidyalaya** (supra) the last date for submitting proposal for affiliation has been determined as 10th March of each year. In the impugned order, the date of submission of application for affiliation has been mentioned as '04.02.2017'. Subsequently the Board has come out with a corrigendum issued on 04.09.2019 recording therein that



‘12.07.2017’ should be read in place of ‘04.02.2017’ in column 5 of paragraph 3 and paragraph 4(1) of the impugned order.

6. The petitioner asserts in the writ petition that the institution had applied for affiliation on 03.02.2017, which was duly received by the Board on 04.02.2017 but with an ulterior motive, the corrigendum has been issued on 14.09.2019 altering the date of submission of the application for affiliation.

7. Be that as it may, the Supreme Court in paragraph 87.1.16 in case of **Maa Vaishno Devi** (supra) has clearly fixed 10th March of each year as the final date for issuance/grant of affiliation for the relevant academic year. Paragraph 87.4 of the said decision reads as under:-

“87.4. We make it clear that no Authority/person/Council/Committee shall be entitled to vary the Schedule for any reason whatsoever. Any non-compliance shall amount to violating the orders of the Court.”

(Highlighted for emphasis)

8. Mr. Sanjay Kumar, learned counsel appearing on behalf of the petitioner has drawn my attention to an order dated 02.03.2017, passed in I.A. No. 16 of 2017 in Writ Petition(Civil) No. 276 of 2012, whereby last date for grant of affiliation by the



concerned authority was extended till 30.05.2017. He has submitted that since the last date for grant of affiliation has been extended by the Supreme Court for the academic year in question, in the facts and circumstances of the present case, this Court may direct the Board to grant affiliation by extending the last date of grant of affiliation fixed by the Supreme Court in case of **Maa Vaishno Devi** (supra).

9. In view of the clear language used by the Supreme Court in case of **Maa Vaishno Devi Mahila Mahavidyalaya** (supra), the scheduled fixed in paragraph 87 cannot be varied by this Court and in no circumstance, this Court can pass such orders, which can have the effect of deviating from time line fixed by the Supreme Court in case of **Maa Vaishno Devi**(supra).

10. In view of the above, no relief as sought in the present writ application, can be granted to the petitioner.

11. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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