

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14263 of 2022

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Allama Iqbal College Bihar Sharif, Nalanda through its Principal Abdul Moid Karimi, Male, Aged about 58 years, Son of Abdul Khalique, Resident of Mohallah- Kashi Takia, Police Station- Bihar Sharif, District- Nalanda at Bihar Sharif- 803101

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Patna.
2. The Additional Chief Secretary, Education Department, Bihar, New Secretariat Building, Patna.
3. The Director, Secondary Education, Bihar, New Secretariat Building, Patna.
4. The Chairman, Bihar School Examination Board, Budh Marg, Patna.
5. The Director (Academic), Bihar School Examination Board, Budh Marg, Patna.
6. The Bihar School Examination Board, Budh Marg, Patna through its Secretary.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Manoj Priyadarshi, Advocate
For the Respondent/s	:	Mr. Nagendra Kumar, AC to GP-20
For the BSEB	:	Mr. Lalit Kishor, Senior Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Abhishek Anand, Advocate
		Ms. Kanupriya, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 07-08-2023 Heard Mr. Manoj Priyadarshi, learned counsel for the petitioner, Mr. Lalit Kishor, learned Senior Counsel assisted by Mr. Satyabir Bharti, learned counsel for the Bihar School Examination Board (hereinafter referred to as the 'Board') and Mr. Nagendra Kumar, learned AC to GP-20 for the State.

2. The petitioner in the present case is a minority institution. This writ application was initially filed seeking the following reliefs:-



“I. To quash the letter of Respondent no. 5 contained in memo no. 1609 dated 23.06.2022 by which the authority has prohibited the petitioner college to admit students of Intermediate (+2) courses from sessions 2022-24 and onwards till fresh affiliation is obtained by the college. The college initially was affiliated with the then Magadh University and was subsequently with the Intermediate Council when Council became regulatory and controlling authority for intermediate courses.

II. To quash the letter of the Respondent no. 5 contained in memo no. 2229 dated 26.08.2022 by which the claim of petitioner college to be treated as “Deemed to be Affiliated” with Bihar School Examination Board for Intermediate +2 Grade courses under law applicable has been rejected on erroneous grounds.

III. To hold and declare that Petitioner College does not require fresh affiliation to be obtained from Bihar School Examination Board as it remained affiliated with all the competent authorities till date including with the Board and thus seeking fresh affiliation is not warranted in the eye of law.

IV. To stay the operation of order dated 23.06.2022 and 26.08.2022 during pendency of the writ application.

V. To command the respondents and order them to allow petitioner college to take admission of students into Intermediate (+2) courses following setting aside of orders impugned dated 23.06.2022 and 26.08.2022 without any impediment.”

3. In view of the developments during pendency of the writ application, the petitioner has filed three interlocutory applications.



4. In I.A. No. 1 of 2023, the petitioner seeks to amend the prayer made in the writ application. In this interlocutory application, the petitioner prays for the additional reliefs as under:-

“I. To quash the letter in memo no. 1120 dated 25.11.2022 of the respondent Bihar School Examination Board by which the petitioner college has been asked to show cause as to why the college has taken admission in Intermediate Courses for sessions 2022-24 despite being allegedly prohibited by the Board under letter dated 23.06.2022 (Annexure-8).

II. To command the respondents Board and order them to allow petitioner college to admit students for Inter classes for Sessions 2022-24 and sessions thereafter and register them with the Bihar School Examination Board without any impediment.

III. For issuance of any other writ/direction/order to which petitioner is found entitled to in the eye of law.”

5. In I.A. No. 2 of 2023, the petitioner again seeks to amend the writ application and prays some more reliefs which are as under:-

“I. To quash the letter in memo no. 4174 dated 31.12.2022 of the respondent Bihar School Examination Board by which the petitioner college has been decided to be tagged with nearest Constituent College/ +2 School as allegedly college has not deposited the Affiliation Fee in prescribed proforma for further affiliation with the Board for Intermediate Courses, and thus from sessions 2022-24 has been prohibited by the Board under letter dated 23.06.2022



to admit students in Intermediate classes (Annexure – 8).

II. To quash the follow up letter in memo no. 82 dated 10.01.2023 of District Education Officer, Nalanda by which he has tagged the petitioner college (Code- 12013) with the Nalanda College, Bihar Sharif (Code- 12002), a constituent college, in pursuance of order dated 31.12.2022.

III. To order to stay the operation of order dated 31.12.2022 and 10.01.2023 respectively during pendency of the writ application allowing Petitioner College to function as before.

IV. For issuance of any other writ/direction/order to which petitioner is found entitled to in the eye of law.”

6. In I.A. No. 3 of 2023, the petitioner has made the following prayers:-

“I. To command the respondents and direct them to ensure to complete the process of registration for Intermediate students of 2022-24 sessions of the Allama Iqbal College, Bihar Sharif, Nalanda who have taken admission into different streams of the Inter classes but their registration is not being done because of embargo the Bihar School Examination Board has created through letter in memo no. 1609 dated 23.06.2022 (Annexure- 8).

II. To command the respondents, particularly Bihar School Examination Board and direct them to allow students of Intermediate students of 2022-24 sessions to appear in 2024 Board Examination without impediments after registration process being completed. Out of total admitted students of 855 details of 177 have been uploaded on Bihar School Examination Board’s Portal.



III. For issuance of any other writ/direction/order to which petitioner is found entitled to in the eye of law.”

7. Copies of these interlocutory applications have been served upon the contesting respondents. There is no objection to the interlocutory application, hence, those are being allowed.

8. Let the statements made therein and the reliefs sought for be treated as part and parcel of the writ application.

9. Learned counsel for the petitioner, learned Senior Counsel for the Board and learned counsel for the State are in agreement that this case would be squarely covered by the judgment of this Court rendered in **CWJC No. 5347 of 2023 (Syed Nehal Ahsan College, Barh Vs. The State of Bihar and Ors)**.

10. Learned counsel for the parties agree that this writ application may be disposed of in terms of the judgment dated 13.07.2023 passed in case of **Syed Nehal Ahsan College, Barh (Supra)**.

11. For sake of ready reference, this Court would reproduce the operative part (paragraph ‘19’) of the judgment in the case of **Syed Nehal Ahsan College, Barh (Supra)** as under:-



“19. Having arrived at a conclusion that the Board has not acted in accordance with the Affiliation Regulation, 2011 and its action in issuing sweeping order having been disapproved by this Court, this Court would have no hesitation in holding that the communication as contained in Annexure ‘P/1’ restraining the petitioner college from taking admission at intermediate level during the Session 2022-24 is wholly illegal and the same is liable to be set aside. This Court accordingly sets aside the impugned order as contained in Memo No. 1610 dated 23.06.2022. As a consequence of the setting aside of Annexure ‘P/1’ and the consequential orders impugned in the writ application, since in the present case, 768 students were already admitted by the petitioner college and the information of at least 398 were already uploaded, the facts being different from the earlier cases, in order to save the career of the students from being ruined and to save them from losing their studies, this Court deems it just and proper to direct the Board to allow the petitioner college to complete the process of registration of the admitted students as early as possible and preferably within a period of four weeks from today whereafter the college shall take steps towards promotion of those students to second year of intermediate and they shall be allowed to take Board examination of the year 2024, subject, however, to their fulfilling the requirements for appearance in the examination.”

12. In view of the submissions made before this Court, this Court sets aside the impugned orders in the present writ application and directs the respondents to treat the case of



the petitioner identically with the case of **Syed Nehal Ahsan College, Barh** (Supra) and this writ application will be treated to have been disposed of in terms of the judgment rendered in the said case with only modification that in case of the petitioner, altogether 855 students have been admitted out of which details of 177 students have already been uploaded on the portal of the Board.

13. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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