
(2016) 05 JH CK 0010
In the Jharkhand High Court
Case No : W.P. (C) No. 1581 of 2016

Al-Habeeb Teachers Training College	Vs	APPELLANT
State of Jharkhand		RESPONDENT

Date of Decision : 20-05-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 3 JCR 626

Hon'ble Judges : Mr. Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : M/s R.S. Mazumdar, Senior Advocate, Ahbijeet Kr. Singh and Vaibhav Kumar, Advocates, for the Petitioner; Mr. Manoj Kr. No. 3, SC (Mines), for the Respondent-State; Mr. Ashok Kr. Singh, Advocate, for the Respondent-University; Mr. Prabhu Dayal Agrawal, Adv

Final Decision : Disposed Off

Judgement

Mr. Aparesh Kumar Singh, J.—Prayer made for filing the counter affidavit and rejoinder today is allowed in view of the exigency of the situation.

2. The question relating to fresh affiliation now, been adequately answered by the State Government in respect of the petitioner-college by the communication contained in letter no. 1197 dated 18.05.2016 issued by the Director, Higher Education to the Registrar, Vinoba Bhave University, Hazaribagh (Annexure-A to the counter affidavit of the State).

3. Incidentally, it is relevant to point out here that the petitioner-college had a permanent recognition and affiliation by the NCTE as well as University. However, B.Ed Course was extended to two years duration from 2015-17 Session and NCTE also given fresh recognition by Annexure-7 order dated 31.05.2015 to the two years B.Ed course with an annual intake of 100 students for Two Basic units of 50 students each from the academic session 2015-16, subject to fulfilment of the conditions prescribed therein.

4. Learned Senior counsel for the petitioner posed a problem. He submits that today is the last date for acceptance of examination forms for the first year of two years B.Ed Course of 2015-17 Session. He submits that there was a Grey area in the matter of requirement of fresh affiliation to the petitioner college after the course was made two years Course from 2015-17 Session. The University had also been acting under the same impression which now stands removed on account of the stand of the State Government. The question now posed is in relation to the fate of the students who have been admitted in the two years B.Ed Course for 2015-17 Session by the college. This decision of the State Government would obviously relate back to the start of 2015-17 Session as there is no requirement of fresh permanent affiliation. In such circumstances, he made a prayer that the University may be directed to accept the examination forms of the students of the first year of two years B.Ed Course of 2015-17 Session and allow them to face the ensuing exam, dates of which have not yet been notified.

5. Learned counsel for the State submits that after having conveyed the decision to the University, as per letter dated 18.05.2016, it is up to the University authorities to undertake the exercise and conduct verification to satisfy itself about the question relating to appearance of the students said to have been admitted in the two years B.Ed Course of 2015-17 Session in the said college.

6. Learned counsel for the University submits that the last date fixed is today for acceptance of the forms for the examination scheduled for the first year course of 2015-17 Session, but on account of the decision of the State Government, conveyed through letter dated 18.05.2016, claim of the petitioner relating to admission of the students, completion of their Course and fulfilment of all laid down criteria for allowing them to face the exam for the first year course, is to be verified on production of all relevant documents on behalf of the petitioner-college.

7. In that view of the matter, petitioner-college is required to approach the authorities of the respondent University without any delay with a request to accept the forms of the students who are said to have been admitted for 2015-17 Session of B.Ed Course for the first year exam. University authorities would examine the case of the petitioner-college, whether the condition stipulated by the Examining Body is satisfied to enable the students of the said college of the said session to appear in the exam scheduled to be held for the first year course. Considering the urgency of the matter, let such exercise be completed within a period of one week from today.

8. Needless to say, dependent upon the exercise, University would take a decision on the acceptance of the forms of the students of the petitioner-college for 2015-17 Session for the first year course thereafter.

9. Writ petition stands disposed of with the aforesaid observations. I.A. No. 2994/2016 also stands disposed.