
(2006) 05 JH CK 0126

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3404 of 2005

Alice Educational Trust

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-05-2006

Acts Referred:

Citation : (2006) 3 JCR 342

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by the petitioner Alice Education Trust, which runs an institute, known as "Alice Institute of Technology, Angara, District-Ranchi (Jharkhand)"-hereinafter to be referred as the Institute", to set aside the order, contained in Ref. No. Perm/69-73 dated 7th June, 2005, issued by the Ranchi University, Ranchi, whereby and whereunder, the registration in regard to 22 students, admitted in the Institute for the session 2003-2007 in the 1st Year Engineering Programme, has been kept in abeyance till the clearance is obtained from the State. So far as other 44 students, admitted in the Institution in 1st Year Engineering Programme, during the said session 2003-2007 on the recommendation of Jharkhand Combined Entrance Competitive Examination Board (hereinafter to be referred as "J.C.E.C.E.B.") are concerned, their registration have been allowed, as detailed in the enclosure, attached to the said letter dated 7th June, 2005.

Further prayer has been made to direct the University to register 22 students of the petitioner-Institution, whose cases have been kept in abeyance on the purported ground of clearance by the State of Jharkhand.

2. As the examination was scheduled to start, by interim order dated 1st July, 2005 this Court directed the respondents to issue examination forms in favour of the Institute for appearance of rest of the 22 students of 1st year, whose

registrations were kept in abeyance by the impugned letter dated 7th June, 2005. They were also directed to accept the fees and forms of said 22 students for registration, if the Institute so deposits, subject to the decision of this case. The University and the State of Jharkhand were also directed to file affidavits and state whether the petitioner's Institute is recognized by All India Council for Technical Education, New Delhi (hereinafter to be referred as "A.I.C.T.E,"), affiliated by the University and approved by the State Government. On 6th July, 2005 the University was also directed to accept examination fees and forms of all the students, maximum limit up to 60 students for each faculty and to allow them to appear at the forthcoming 1st year examination, including the said 22 candidates, whose registrations were kept in abeyance, subject to the decision of the case.

3. Affidavits have been filed by the parties and as the results of other students are to be published and those, who may fail, may have to appear in the forthcoming supplementary examination/special examination, on the request of the parties, the case was heard for final disposal.

4. The case of the petitioner is that for establishment of the institute, it asked for "No Objection Certificate" from the State Government; affiliation from the Ranchi University, Ranchi and for approval from All India Council for Technical Education, New Delhi. The State of Jharkhand from its Science & Technology Department granted "No Objection Certificate for establishment of a Technical Institute for engineering studies in the name and style of "Alice Institute of Technology" vide letter dated 14th November, 2002. The AICTE also granted approval for establishment of the petitioner's institute for academic year 2003-2004 by letters dated 12th June, 2003, allowing annual Intec of sixty students each for the three faculties for full time courses and thereby total 180 students were allowed to be admitted. So far as affiliation by Ranchi University is concerned, the matter remained pending.

5. In the meantime, the Supreme Court issued guidelines with regard to the right of management of the private unaided professional colleges in the case of T.M.A. Pai Foundation and Others Vs. State of Karnataka and Others, -, wherein, certain directions were issued at initial stage, as reported in T.M.A. Pai Foundation and others Vs. State of Karnataka and others, , followed by final judgment, rendered by a Constitution Bench of eleven Judges of the Supreme Court in the said case of T.M.A. Pai Foundation reported in T.M.A. Pai Foundation and Others Vs. State of Karnataka and Others, . The aforesaid judgment was interpreted by a Constitution Bench of five Judges of the Supreme Court in the case of Islamic Academy of Education and Another Vs. State of Karnataka and Others, . While interpreting the earlier judgment, rendered in the case of "T.M.A. Pai Foundation, certain further guidelines were issued by the Supreme Court.

6. The Ranchi University having not issued order of affiliation, the petitioner had to prefer a writ petition before this Court being W.P. (C) No. 612 of 2004. which was disposed of on 26th February, 2004 with a direction to the respondents to

take a decision on the recommendation of the Committee, which had already submitted a report for temporary affiliation. Thereafter, Ranchi University, Ranchi, granted affiliation to the petitioner's institute for the session 2003-2004 (1st year), which was also approved by the State Government on 8th April, 2004. The University informed the State Government about the compliance of all the conditions by the institute as per the norms of AICTE by their letter dated 12th April, 2004 with a request to the State Government to forward the list of 180 students, who have competed in the Combined Entrance Competitive Examination for their admission in the 1st year Engineering Course in the petitioner's institute for the academic sessions 2003-2004.

7. The State Government, in its turn, by letter dated 22nd April 2004 directed the JCECEB for allotment of students from merit list to the petitioner's institute. For the first time counseling was done on 9th June, 2004 for allotting the students to the petitioner's institution from the merit list of combined competitive test, held and prepared by JCECEB. On 10th June, 2004 the JCECEB forwarded the list of 22 students for admission in the petitioner's institute as against the total 180 vacancies. In such a situation, the petitioner's institute by letter dated 12th June, 2004 requested the State Government to allow it to admit the students through its own competitive examination, as per the rules or guidelines, as may be issued by the State Government. The State Government, in its turn, asked the JCECEB by letter dated 15th June, 2004 to conduct 2nd counseling for rest 158 vacancies of the institute. After 2nd counseling the JCECEB by letter dated 27th July, 2004 forwarded a list of candidates, out of which though 25 turned up, actually 22 took admission. Altogether 44 students having been admitted, because of less recommendation by the JCECEB, the petitioner took steps to conduct its own competitive examination as per the guidelines, issued by the Supreme Court in the case of T.M.A. Pal Foundation (supra). Advertisements were published in different newspapers on 1st August, 2004 (Annexure 9 series), calling for the applications for admission in 1st year Engineering Course and to take part in the test and interview, which was scheduled to be held on 14th August, 2004 at 11.00 a.m. The competitive examination was conducted on 14th August, 2004 at 11.00 a.m. in the petitioner's institute in which 57 students appeared and a panel of 31 successful candidates was prepared. According to the petitioner, the question papers in respect to Physics, Mathematics and Chemistry subjects were of higher standard, which were set by highly qualified faculty members of the teachers and the examination was duly conducted under the supervision of competent Invigilator and Examination Controller. Answer-sheets were also evaluated by the qualified teachers, following standard norms. Copies of question papers and one of the answer-sheets have been enclosed as Annexure 10 series and 11 respectively to the writ petition. Out of 30 panelist, after interview, 22 were admitted against the management quota, whereinafter, the total number of the students increased to 66 out of 180 sanctioned seats,

8. On the applications of the students, forwarded by the petitioner's institute,

the University registered all 66 students on 4th November, 2004 (Annexure 13 series), including the 22 students, admitted against the management quota through the competitive examination, conducted by the institute itself. Subsequently, by letter dated 12th March, 2005 the University asked the petitioner's institute and one Cambridge Institute of Technology, another unaided private technical college, that persons admitted against the management quota, already allotted registration number, were so admitted without adhering to the norms. The petitioner's institute replied by letter dated 21st April, 2004 the manner in which 66 students were admitted and also intimated that 22 students have been admitted on the basis of its own competitive examination, which was conducted following the norms laid down in the judgment, rendered by the Supreme Court. On 30th May, 2005 the petitioner's institute applied to the University for issuing examination forms for allowing its students to appear in the 1st year (session 2003-2007) annual examination and requisite amount was also deposited by demand draft. But the University supplied only 44 forms on 7th July, 2005 in favour of the students, who were admitted on the recommendation of the JCECEB and kept in abeyance the applications in respect to 22 students, who were admitted against the management quota through its own competitive examination, awaiting the State Government's clearance. The only ground shown to keep the candidature of 22 examinees in abeyance was that the examination was conducted in defiance of the State Government's guideline and norms.

9. As the examination was to commence from 11th July, 2005 and the application forms were not issued in favour of the 22 students, the present writ petition was preferred by the petitioner and in pursuance of the Court's interim order, they were provided with forms, which were accepted by the University and the said 22 students have also been allowed to appear at the 1st year Engineering Examination along with rest of the 44 students, subject to the decision of this case.

10. Learned Counsel for the petitioner submitted that one Cambridge School of Technology, Ranchi, which is a similarly situated institute and was denied forms by the University along with the petitioner's institute moved before this Court in W.P. (C) No. 3663 of 2005 and in pursuance of the order, passed by this Court, its students were allowed to appear at the 1st year B.Sc. Engineering Examination for the session 2003-2007 (1st year 2003-2004) and on the basis of the advice given by the learned Advocate General, their results have been published, as noticed by this Court in the said case.

11. Learned Counsel for the State relied on the decisions of the Supreme Court to suggest that the petitioner should not have admitted 22 students against the management quota by conducting the competitive examination at its own and such action is against the norms, laid down by AICTE and the decision of the Supreme Court in the case of "Islamic Academy of Education" (supra). According to him, if the names of successful students were not recommended by the

JCECEB, the petitioner should have conducted test only after obtaining permission of the Committee, as ordered to be constituted by the Supreme Court in the case of "Islamic Academy of Education" (supra). He placed reliance on a guideline dated 3rd November, 2003, issued by the A.I.C.T.E., New Delhi (Annexure 8 to the writ petition) in regard to Common Entrance Test(s) for admission in Degree Level Engineering, Architect/Planning and Pharmacy Programme in the country for the academic year 2004-2005 onwards, relevant clause 5 of which is quoted hereunder:

5. Management quota/seats in private unaided self financing institutions shall be filled either of the common entrance test as above or through a common entrance test conducted by an approved Agency (including Association of all colleges of a particular type in the State). This option for filling up management seats shall be exercised by the institutions before issue of prospectus and intimated to the concerned Authority.

12. The issue involved in this case "whether private unaided professional colleges are entitled to admit students by evolving their own method of admission" fell for consideration before the Supreme Court from time to time. When the case of T.M.A. Pai Foundation" (supra) was taken up by a Division Bench of three Judges, by an interim order, as reported in T.M.A. Pai Foundation and others Vs. State of Karnataka and others, the following observation was made by the Supreme Court in regard to the issue, in question:

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(vi)...Any seats remaining unfilled thereafter can be filled by the management of the private engineering colleges on their own and in this discretion. This direction shall not apply to medical/dental colleges.

13. The case of "T.M.A. Pai Foundation" (supra) was, later on, referred to the Constitutional Bench and a Bench of eleven Judges rendered final judgment in the said case, as reported in T.M.A. Pai Foundation and Others Vs. State of Karnataka and Others, . Different issues, including the rights and permissible restrictions upon minority aided and unaided institutions as well as with regard to the rights in general of non-minorities to establish and administer educational (professional)/professional institutions, aided or unaided were discussed and decided. While one of the issues related to "percentage of seats", to be filled up by management of minority unaided and non-minority unaided professional institutions, one of the other issues related to common entrance test" i.e. the issue, as involved in the present case.

14. Apart from the discussions, made in different paragraphs in regard to the issue, in question, conclusion was drawn at paragraph No. 68 of the judgment, rendered in the case of "T.M.A. Pai Foundation" (supra), reported in T.M.A. Pai Foundation and Others Vs. State of Karnataka and Others, as quoted hereunder:

68. It would be unfair to apply the same rules and regulations regulating

admission to both aided and unaided professional institutions. It must be borne in mind that unaided professional institutions are entitled to autonomy in their administration while, at the same time, they do not forego or discard the principle of merit. It would, therefore, be permission for the university or the Government, at the time of granting recognition, to require a private unaided institution to provide for merit-based selection while, at the same time, giving the management sufficient discretion in admitting students. This can be done through various methods. For instance, a certain percentage of the seats can be reserved for admission by the management out of those students who have passed the common entrance test held by itself or by the State/university and have applied to the college concerned for admission, while the rest of the seats may be filled up on the basis of counseling by the State agency. This will incidentally take care of poorer and backward sections of the society. The prescription of percentage for this purpose has to be done by the Government according to the local needs and different percentages can be fixed for minority unaided and non-minority unaided and professional colleges. The same principles may be applied to other non-professional but unaided educational institution viz. graduation and post-graduation non-professional colleges or institutes.

15. From the other paragraphs of the aforesaid Judgment, particularly paragraphs 58, 59 and 65 it will be evident that the Supreme Court observed and held that "merit- must play an important role", for admission to professional and higher educational colleges, which is usually determined either on the basis of marks obtained by the students in the qualifying examination or on the basis of the marks, obtained at the school leaving certificate stage, followed by interview or by common entrance test, conducted by the institution or in the case of professional colleges, by Government agencies.

16. After the judgment of the eleven-Judge Bench in the case of T.M.A. Pai Foundation" (supra), various State Governments and Educational Institutions understood the majority judgment in different perspectives. Having noticed the same, a Bench of five Judges in the case of "Islamic Academy of Education" (supra) interpreted the judgment, rendered in the case of "T.M.A. Pai Foundation" (supra). The then Hon'ble the Chief Justice of India Sri V.N. Khare for himself and for M/s. S.N. Variava, K.G. Balakrishnan and Arijit Pasayat, JJ. Framed following questions for consideration:

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(I) Whether the educational institutions are entitled to fix their own fee structure;

(11) Whether minority and non-minority educational institutions stand on the same footing and have the same rights;

(III) Whether private unaided professional colleges are entitled to fill in their seats, to the extent of 100%, and if not, to what extent; and

(IV) Whether private unaided professional colleges are entitled to admit students

by evolving their own method of admission.

17. Their Lordships while dealing with Q. No. (IV) aforesaid, which is the issue involved in the present case, made certain observations and issued directions, relevant portion of which is quoted hereunder:

19. We now direct that the respective State Government do appoint a permanent Committee which will ensure that the tests conducted by the association of colleges is fair and transparent. For each State a separate Committee shall be formed. The Committee would be headed by a retired Judge of the High Court. The Judge is to be nominated by the Chief Justice of that State. The other member, to be nominated by the Judge, would be a doctor or an engineer or eminence (depending on whether the institution is medical or engineering/technical). The Secretary of the State in charge of Medical or Technical Education, as the case may be. shall also be a member and act as the Secretary of the Committee. The Committee will be free to nominate/co-opt an independent person of repute in the field of education as well as one of the Vice-Chancellors of the University in that State so that the Committee shall have powers to oversee the tests to be conducted by the association. This would include the power to call for the proposed question paper(s), to know the names of the paper-setters and examiners and to check the method adopted to ensure papers are not leaked. The Committee shall supervise and ensure that the test is conducted in a fair and transparent manner. The Committee shall have the power to permit an institution, which has been established and while has been permitted to adopt its own admission procedure for the last, at least, 25 years, to adopt its own admission procedure and if the Committee feels that the needs of such an institute and genuine, to admit, students, of their community, in excess of the quota allotted to them by the State Government. Before exempting any institute or varying in percentage of quota fixed by the State, the State Government must be heard before the Committee. It is clarified that different percentage of quota for students to be admitted by the management in each minority or non-minority unaided professional college(s) shall be separately fixed on the basis of their need by the respective State Governments and in case of any dispute as regards fixation of percentage of quota, it will be open to the management to approach the Committee. It is also clarified that no institute, which has not been established and while has not followed its own admission procedure for the last, at least, 25 years, shall be permitted to apply for or be granted exemption from admitting students in the manner set out hereinabove.

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21. So far as the year 2003-2004 is concerned, time is running out as the outer time-limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50:50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats

have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issue involved in various pending cases.

18. In the case of "Islamic Academy of Education" (supra), Hon'ble S.B. Sinha, J. in his separate judgment while dissenting with the majority view in regard to the issue "whether the minority and non-minority institutions are equal, so far as present issue is concerned", made the following observations:

164. Paragraphs 48 and 66 appear under the heading "Private unaided non-minority educational institutions" whereas paragraphs 67, 68 and 69 appear under the heading "private unaided professional colleges". The observations made by the Bench however, having regard to paragraphs 58 and 59 are referable to both to the minority and non-minority unaided institutions. Paragraph 63 in no uncertain terms lays emphasis on merit for the purpose of admission to professional institutions.

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172. Paragraph 68 should be read in five parts.-(1) A difference is sought to be made as regards rules and regulations applicable to the aided institutions vis-a-vis unaided professional institutions. (This shows that the regulations relating to admission of students shall be less rigid for unaided in situations as compared to aided institutions.).

(2) While conceding autonomy to the unaided professional institutions (both minority and non-minority), it is mandatory that the principle of merit cannot be foregone or discarded, (This shows that the role played by merit must be given due importance.)

(3) The conditions may be laid down by the University or the other statutory bodies entitled to grant recognition to provide for merit-based selection. (The same, however, in my opinion, would not mean that no conditions other than those imposed at the time of grant of recognition can be imposed by way of legislation or otherwise inasmuch as the field of imparting education in professional institutions is governed by statutes. To the said extent, it has to be read down.)

(4) The management of private unaided professional colleges for the purpose of admitting students will have options : (a) to hold a common entrance test by itself; or (b) to follow the common entrance test held by the State or the University. The students belonging to the management quota may be admitted having regard to the common entrance test either held by the management or by the State/University, although the test may be common. So far as students belonging to the poorer or backward section of society are concerned, their seats will have to be filled up on the basis of counseling by the State agency. (As would appear from the discussions made hereinafter, it cannot be taken to its logical conclusion.)

(5) The percentage of management quota and the rest is required to be prescribed having regard to the local needs, (However, the percentage for minority unaided and non-minority unaided institutions may be different.)

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179. It may be true that some self-financial professional institutions have been permitted to hold their own examination so as to enable the management to fill up their seats from its own quota, as fixed by the State Government. Although no complaint has yet been received by the respective Governments, it may be possible that the time was not ripe for it. As and when complaints are received with regard to holding of an impartial and transparent test, the same has to be examined by the State/University. We may, however, place on record that the State of Maharashtra has placed before us a chart showing that some of the students had appeared at two examinations and one who got only 8% in the common entrance test held by the State, passed the examination held by the management. From the above chart supplied to us by the State of Maharashtra, it appears that only those students who had appeared both at the common entrance test held by the State and the management had passed the common entrance test held by the State whereas a large number of students had passed the test held by the management, although they could not pass the common entrance test. The merit of the students whether belonging to the minority community or otherwise, thus, may be required to be placed on a more rigid test.

180...While granting the right to determine the suitability of a candidate on the basis of marks obtained in the qualifying examination or on the basis of their own examination, or an examination conducted by the State, merit cannot be sacrificed, Some mechanism as far as practicable must be found out also for the purpose of judging the inter se merit.

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184. It goes without saying that having regard to the number of institutions vis-a-vis number of candidates with reference to the local needs, it will be open to the State/University to fix higher cut-off marks than prescribed by the Medical Council of India or the All India Council for Technical Education. So far as the common entrance test proposed to be held by the federation/ association of private unaided professional institutions is concerned, the modalities and the detailed procedure therefore must be worked out so that it may not cause any undue inconvenience to either the students or the institution(s)....

19. The case of "T.M.A. Pal Foundation" (supra) again fell for consideration before a Bench of seven Judges of the Supreme Court in the case of P.A. Inamdar and Ors. v. State of Maharashtra and Ors. reported in (2005) 5 SC 544 wherein, the Court held as follows:

138. Whether minority or non-minority institutions, there may be more than one similarly situated institutions imparting education in any one discipline, in any

State. The same aspirant seeking admission to take education in any one discipline of education shall have to purchase admission forms from several institutions and appear at several admission tests conducted at different places on same or different dates and there may be a clash of dates. If the same candidate is required to appear in several test, he would be subjected to unnecessary and avoidable expenditure and inconvenience. There is nothing wrong in an entrance test being held for one group of institutions imparting same or similar education. Such institutions situated in one State or in more than one State may join together and hold a common entrance test or the State may itself or through an agency arrange for holding of such test. Out of such common merit list the successful candidates can be identified and chosen for being allotted to different institutions depending on the courses of study offered, the number of seats, the kind of minority to which the institution belongs and other relevant factors. Such an agency conducting Common Entrance Test (GET, for short) must be one enjoying utmost credibility and expertise in the matter. This would better ensure the fulfillment of twin objects of transparency and merit. GET is necessary in the interest of achieving the said objectives and also for saving the student community from harassment and exploitation. Holding of such common entrance test followed by centralized counseling or, in other words, single window system regulating admissions does not cause any dent in the right of minority unaided educational institutions to admit students of their choice. Such choice can be exercised from out of list of successful candidates prepared at the CET without altering the order of merit inter se of the students to be chosen.

139. Pai Foundation has held that minority unaided institutions can legitimately claim unfettered fundamental right to choose the students to be allowed admissions and the procedure therefore subject to its being fair, transparent and non-exploitative. The same principle applied to non-minority unaided institutions. There may be a single institution imparting a particular type of education which is not being imparted by any other institution and having its own admission procedure fulfilling the test of being fair, transparent and non-exploitative. All institutions imparting same or similar professional education can join together for holding a common entrance test satisfying the abovesaid triple tests. The State can also provide a procedure of holding a common entrance test in the interest of securing fair and merit-based admission and preventing mal-administration. The admission procedure so adopted by private institution or group of institutions, if it fails to satisfy all or any of the triple tests, indicated hereinabove, can be taken over by the State substituting its own procedure. The second question is answered accordingly.

140. It needs to be specifically stated that having regard to the larger interest and welfare of the student community to promote merit, achieve excellence and curb mal-practices, it would be permissible to regulate admission by providing a centralized and single window procedure. Such a procedure, to a large extent, can secure grant of merit-based admissions on a transparent basis. Till regulations are framed, the admission committees can oversee admission so as

to ensure that merit is not the casualty.

20. From the aforesaid decisions, rendered by the Supreme Court, it will be evident that the judgment, rendered by eleven-Judge Bench in the case of "T.M.A. Pai Foundation" (supra) in regard to the issue, as mentioned at paragraph 68 to the said judgment, still holds good and no bar has been put by any Court of law or competent authority, prohibiting the management of private engineering colleges from filling up the seats of their own through a competitive test, if any seat remained unfilled after recommendation of the successful candidates out of the combined competitive examination, held by the State or statutory body.

21. Admittedly, neither any Association of colleges has been formed to conduct any joint competitive test in the State of Jharkhand nor the State Government or any statutory authority has appointed any permanent Committee to ensure that the test conducted by the Association of colleges is fair and transparent, in terms with the observations, made by the Supreme Court in the case of "Islamic Academy of Education" (supra).

22. It is not in dispute that out of 180 seats, only 22 candidates have been admitted by the institute through its own combined competitive test and thereby, the quota of management is less than 15% of the total seats. The respondents have not alleged any illegality in the matter of conducting competitive examination by the institution itself nor any objection has been raised with regard to the standard of competitive examination, held by the institute at its own.

23. It has been brought to the notice of the Court that out of 31 successful candidates, after advertisement, written test and interview, only 22 were admitted. Relevant copies of question papers and one of the answer-sheets have been enclosed to show the standard of examination and standard of evaluation, made by the examiners. As it was open to the management of the private unaided professional college to hold common entrance test by itself, if the total recommendation is not made by the State Government or any statutory body, in terms with the judgment, rendered by eleven-Judge Bench of the Supreme Court in the case of T.M .A. Pai Foundation" (supra), as noticed by the Supreme Court in the case of "Islamic Academy of Education" (supra), the respondents, including the University or the State or any other body, cannot refuse to issue forms for registration and examination of such 22 students nor they can deny them from appearing at the 1st year examination, conducted by the Ranchi University.

24. So far as the guidelines dated 3rd November, 2003, issued by the A.I.C.T.E., New Delhi, is concerned, as it relates to the academic session 2004-2005 onwards, the same cannot be applied in the case of these 22 candidates, who were admitted against the management quota for the session 2003-2004 (1st year). Further, no agency or Association of all colleges of the State having been

formed or approved by A.I.C.T.E., clause 5 of the guidelines dated 3rd November, 2003, issued by the A.I.C.T.E., New Delhi, as quoted above, cannot be given effect to till such agency or association is formed and approved by the A.I.C.T.E. Till it is not done, as per the decision, rendered by the eleven-Judge Bench of the Supreme Court in the case of "T.M A. Pal Foundation" (supra), as reiterated in the case of Islamic Academy of Education" (supra), it is always open to the management of the private unaided professional colleges to hold a common entrance test by itself and to admit the meritorious candidates but such examination should be impartial, transparent and of higher standard, which, on receipt of allegation, may be enquired into by the State.

25. All the sixty candidates, who filled up forms and deposited fees for appearance at the 1st year engineering examination (faculties of Computer Science and Engineering; Electronics and Communication Engineering & Electrical Engineering), including 22 candidates of management quota of sessions 2003-2004 having been allowed to appear at the 1st year examination, held by the Ranchi University in July-August, 2005, the respondents, including Ranchi University, are directed to publish their results within one week from date of receipt/production of a copy of this order and will provide them with their mark-sheets within a week thereof.

26. It has already been noticed that the Ranchi University has published a notice in the newspaper on 26 April, 2006 showing therein the last date of accepting fees and forms and for appearing at the supplementary examination. As the result of the students, in question, could not be published because of pendency of this case, now after publication of the result, if it is found that any student has failed but wants to appear at the forthcoming supplementary examination, the respondents will accept fees and forms of such candidate, if deposited through its institute within one week from the date of publication of result and the University will allow such students to appear at the supplementary examination, if otherwise eligible.

27. In the result, the order contained in Ref. No. Perm/69-73 dated 7th June, 2005, issued by the Ranchi University, Ranchi, is set aside and the writ petition is allowed with the aforesaid observations and directions, but without any order as to costs.