
(2015) 02 JH CK 0127
In the Jharkhand High Court
Case No : L.P.A. No. 95 of 2015

Radha Govind Teacher's Training College	APPELLANT
Vs	
State of Jharkhand and Others	RESPONDENT

Date of Decision : 09-02-2015

Acts Referred:

Citation : (2015) 4 AJR 340

Hon'ble Judges : Virender Singh, C.J.; Aparesh Kumar Singh, J.

Bench : Division Bench

Advocate : Prem Pujari Roy, for the Appellant; I. Sen Choudhary and Mithilesh Singh, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—The writ petitioner is the appellant herein (hereinafter referred to as "the petitioner" for short), who is aggrieved by the impugned judgment dated 21.01.2015 passed by the learned Single Judge, whereby the writ petition was dismissed and the petitioner's prayer for directing the respondent- Vinoba Bhave University, respondent No. 2 to grant affiliation to the petitioner-institution for academic sessions 2014-15 for running Bachelor in Education (for short B.Ed) with annual intake of 100 students and also for grant of permanent affiliation to the petitioner-institution has been refused.

2. Petitioner-college was granted recognition by NCTE vide Memo dated 15.12.2006 for running of one year B.Ed. course with annual intake of 100 students. The respondent-University had granted affiliation for the academic sessions 2007-08 vide memo dated 9.7.2007 and subsequently for the successive academic sessions 2008-09, 2009-10 and 2010-11. Vide order dated 27.3.2012, affiliation was further granted for the sessions 2011-12 to 2013-14 by the Human Resources Development Department, Directorate of Higher Education.

3. Petitioner's grievance is that though it made a request through letter dated

4.6.2013 much well in advance for grant of permanent affiliation and also deposited inspection fee on 10.12.2013 on issuance of the letter dated 19.6.2013 by the respondent-University but no inspection was carried out nor any affiliation was granted for the year 2014-15. Though the petitioner was asked to deposit security deposit also by the same letter dated 19.6.2013 of the University, the petitioner did not consider it necessary to deposit the same as the security deposit is to be made only after grant of permanent affiliation. It is also the petitioner's case that before granting affiliation for academic sessions 2011-12 and 2013-14 such a demand was made but though the petitioner did not deposit the security deposit, the University never made any issue about it. Despite request made by the petitioner on 27.3.2014 for grant of permanent affiliation for the academic sessions 2014-15 and a reminder through letter dated 8.7.2014, the respondent-University did not grant permanent affiliation to the petitioner-college, which was the reason for approaching the writ Court.

4. The stand of the respondent-University and the State are that the petitioner was repeatedly asked to deposit the security deposit of Rs. 5.00 lacs, which he did not do. Earlier also the petitioner-college had been asked to deposit the security deposit of Rs. 5.00 lacs, which had not been complied with. It is also their case that the affiliation granted earlier was subject to several conditions including appointment of lecturers and admission of students after following the guidelines. A permanent affiliation can only be granted after proper inspection. The petitioner, however, failed to make the necessary security deposit. The respondent-State and the University both have relied upon the mandatory time schedule prescribed by the Hon'ble Supreme Court as rendered in the case of Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P. and Others, . It is their case that proposal for grant of affiliation has to be submitted on or before 20.3.2014, which it did not comply with.

5. It further transpires from the submissions of the petitioner that though the affiliation for the year 2014-15 was not extended by the respondent-University by 10.5.2014 as prescribed under time line laid down by the Hon'ble Supreme Court in the case of Maa Vaishno Devi Mahila Mahavidyalaya (supra) but the petitioner college admitted the students in B.Ed. course for the year 2014-15. It has been submitted by the learned counsel for the petitioner that the students have continued their education for one year and would be denied to appear in the examination scheduled to be held for the said academic sessions by the University in June, 2015 only on account of the act/omission of the respondent-University and the State in not responding to the request made by the petitioner as early as on 4.6.2013 much before the prescribed date of 20.3.2014 in case of affiliation for the academic year 2014-15. The petitioner's grievance is that such act/omission on the part of the respondents would deny the valuable academic year of the students admitted in the petitioner- College for the sessions 2014-15.

6. Learned counsel for the petitioner submits that since the situation is extraordinary, this Court following the ratio laid down by the Hon'ble Supreme

Court in the case of Asha Vs. Pt. B.D. Sharma University of Health Sciences and Others, , can exercise its discretion to direct the University to grant affiliation to the petitioner-college for the sessions 2014-15 even now after the cut off date 10.5.2014.

7. We have heard counsel for the parties and gone through the relevant materials on record. We have also given anxious consideration to the issue involved herein specially in the wake of the facts being brought to the notice of this Court that innocent students, who are said to have pursued their studies for B.Ed. course in the petitioner-college for the academic sessions 2014-15 would be denied to participate in ensuing examination by the University for the reason that the petitioner-College was not granted affiliation. However, while it is true that the petitioner-College had made a request for grant of permanent affiliation to the college on 4.6.2013 during the subsistence of the affiliation granted to it for the sessions 2011-12 upto 2013-14 but the petitioner college did not make the security deposit asked by the University through its letter dated 19.6.2013, though it deposited the inspection fee on 10.12.2013. The college-petitioner without getting any permanent affiliation or extension of the affiliation for the academic year 2014-15, resorted to take admission for B.Ed. Course for the new academic sessions 2014-15 on its own. It, however, also appears that the University despite deposit of inspection fee by the petitioner on 10.12.2013 neither rejected the petitioner's request for permanent affiliation nor made any inspection thereafter of the petitioner-college. However, the petitioner being aggrieved due to the act/omission of the University as alleged, filed the writ petition only on 16.8.2014 much after the cut off date fixed by the Hon'ble Supreme Court in the case of Maa Vaishno Devi Mahila Mahavidyalaya (supra) for grant of affiliation to the Institute for teachers training being governed by the provisions of National Council for Teachers' Education Act, 1995.

8. The Hon'ble Supreme Court in the case of Maa Vaishno Devi Mahila Mahavidyalaya (supra) has in no uncertain words held 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.

88. In all the appeals and petitions before us, the basic issue is whether the university and the State Government were justified in rejecting the application or not granting application for affiliation on the ground that there was a cut-off date and/or the conditions of recommendation/affiliation had not been satisfied. In some cases, serious disputes have been raised with regard to the fulfilment of the conditions of recognition and/or affiliation. As far as the reason in relation to cut-off date is concerned, we cannot find any fault with the view taken by the authorities concerned. 10th of May has been provided as the cut-off date, after which no affiliation for the current academic year would be granted. This, being the law stated by this Court, is binding on all concerned, including any authority. The authorities have rightly acted in declining to entertain and/or refusing

affiliation to the institutions being beyond the cutoff date. Adherence to the Schedule was the obligation of the authorities and the institutions cannot raise any grievance in that regard. The said time schedule must become operative in all respects and nobody should be permitted to carve out exceptions to this mandatory direction."

9. In view of the aforesaid mandatory direction issued by the Hon''ble Apex Court in this regard, the prayer of the petitioner could not be granted by the writ court after the cut off date 10.5.2014. We are afraid, the judgment rendered in the case of Asha (supra) by the Hon''ble Apex Court in the matter of cut off date for admission to MBBS course in rare and exceptional circumstances, cannot come to its aid in any manner. Therefore, the impugned judgment does not suffer from any error of law or on fact warranting interference by this Court.

10. The instant appeal is, therefore, dismissed.