
(2015) 01 JH CK 0044

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4188 of 2014

Radha Govind Teachers Training College

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-01-2015

Acts Referred:

Citation : (2015) 01 JH CK 0044

Hon'ble Judges : S. Chandrashekhar, J.

Bench : Single Bench

Advocate : Summit Gadodia and Prem Pujari Roy, for the Appellant; Saket Upadhyay, Advocates for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J.—Seeking a direction upon the respondent-University to grant affiliation to the petitioner-college for running Bachelor in Education (B.Ed.) course for Academic Session 2014-15, the present writ petition has been filed.

2. The brief facts of the case as narrated in the writ petition are that, the petitioner is a Teachers Training College under the National Council for Teachers Education Act (NCTE), which is managed by a trust. The petitioner-College applied for grant of recognition and NCTE granted recognition vide memo dated 15.12.2006 for running one year B.Ed. Course with annual intake of 100 students. The respondent-University granted affiliation for Academic Session 2007-08 vide memo dated 09.07.2007 and subsequently, it has granted affiliation for the Academic Sessions 2008-09, 2009-10 and 2010-11. Vide Annexure-3/1 dated 27.03.2012, affiliation for Academic Sessions 2011-12 to 2013-14 was approved by the HRD Department, Directorate of Higher Education. The petitioner-College vide letter dated 04.06.2013 applied for grant of permanent affiliation and the respondent-University issued letter dated 19.06.2013 requiring the petitioner-College to deposit inspection fee and security deposit. The petitioner-College deposited only inspection fee on 10.12.2013. Thereafter, on 27.03.2014, the petitioner-College wrote letter to the respondent-

University for grant of permanent affiliation for the Academic Session 2014-15 and again a reminder letter dated 08.07.2014 was written by the petitioner-College to the respondent-University however, permanent recognition to the petitioner-College was not granted and therefore, the petitioner was constrained to approach this Court.

3. A counter-affidavit has been filed on behalf of respondent-University stating that the petitioner did not apply for extension of affiliation for the Academic Session 2014-15. Though the University repeatedly asked the petitioner to deposit the security deposit of Rs. 5 Lacs however, the same has not been deposited by the petitioner-College. Vide letters dated 08.05.2007, 15.09.2009 and 07.02.2011 the petitioner-College was directed to deposit Rs. 5 Lacs as Security Deposit however, the same has yet not been deposited by the petitioner-College. Earlier, an inspection team visited the College on 12.05.2011 and submitted its report on 05.07.2011 which indicates that the management did not produce the admission receipt etc. In the College, there is no Scheduled Caste teacher. The affiliation granted for the three Academic Sessions was subject to several conditions including appointment of Lecturers and admission of students following the government guidelines. The petitioner-College made representation for grant of permanent affiliation and not for extension of affiliation and therefore, the prayer in the writ petition cannot be granted. A counter-affidavit dated 19.09.2014 has been filed on behalf of respondent No. 2 stating that in view of mandatory direction issued by the Hon'ble Supreme Court in *Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P. and Others*, , if the proposal for grant of affiliation is submitted on or before 20.03.2014, the same cannot be considered. In the present case, the respondent-University did not submit proposal for affiliation of the petitioner-College for the Academic Session 2014-15 by 20.03.2014.

4. Heard learned counsel for the parties.

5. The learned counsel for the petitioner submits that the National Council for Teachers Education granted recognition vide order dated 15.12.2006 and thereafter, the affiliation has been granted till Academic Session 2013-14. The petitioner-college made application on 04.06.2013 for grant of affiliation for Academic Session 2013-14 before the time and deposited a sum of Rs. 1,50,000/- on 10.12.2013 however, inspite of recommendation dated 05.07.2011 for grant of permanent affiliation, the State Government has arbitrarily rejected the said proposal. Referring to Inspection Report dated 05.07.2011, the learned counsel for the petitioner submits that in fact, the recommendation was already made for grant of permanent affiliation for the Academic Session 2011-12 however, till date no decision has been taken by the respondent and therefore, the writ petition has been filed.

6. The learned counsel for the respondent-State of Jharkhand and the Vinoba Bhave University submitted that the petitioner-college did not comply with the direction for depositing security deposit of Rs. 5,00,000/-. In so far as the

inspection report dated 05.07.2011 is concerned, it is submitted that there were several deficiency in the petitioner-college and affiliation was granted subject to fulfilment of several conditions.

7. I have carefully considered the submissions of the learned counsel for the parties and perused the documents on record.

8. From the materials brought on record, it appears that application dated 04.06.2013 was with respect to grant of permanent affiliation and not for grant of affiliation for the Academic Session 2014-15 only. The said application was filed on 04.06.2013 and vide order dated 19.06.2013 the petitioner-college was directed to deposit a sum of Rs. 5,00,000/- on account of security deposit and Rs. 1,50,000/- as inspection fee however, the petitioner-college deposited a sum of Rs. 1,50,000/- on 10.12.2013 which was on account of inspection fee only. Thereafter, the petitioner-college made representation on 27.03.2014. I find that there is inordinate delay and laches on the part of the petitioner-college. In spite of direction contained in letter dated 19.06.2013, the petitioner-college did not furnish the security deposit of Rs. 5,00,00/- . After depositing inspection fee on 10.12.2013, the petitioner-college approached the University only on 27.03.2014 and thereafter, on 08.07.2014. These representations were made after the time schedule fixed by the Hon"ble Supreme Court in "Maa Vaishno Devi Mahila Mahavidyalaya" case.

9. In "Maa Vaishno Devi Mahila Mahavidyalaya" case, the Hon"ble Supreme Court has held thus,

"81.....Adherence to the schedule is the essence of granting admission in a fair and transparent manner as well as to maintain the standards of education. The purpose of providing a time schedule is to ensure that all authorities concerned act within the stipulated time.....

82.....None in the hierarchy of the State Government, university, NCTE or any other authority or body involved in this process can breach the schedule for any direct or indirect reason. Anybody who is found to be defaulting in this behalf is bound to render himself or herself liable for initiation of proceedings under the provisions of the Contempt of Courts Act, 1971 as well as for a disciplinary action in accordance with the orders of the Court..... "

10. Besides the above directions, a reading of the judgment in "Maa Vaishno Devi Mahila Mahavidyalaya" case, discloses that the importance of adherence to the schedule has been discussed by the Hon"ble Supreme Court in several other paragraphs also. A time-schedule for recognition and affiliation has been provided in the judgment itself.

11. I further find that the representation made by the petitioner-college was for grant of permanent affiliation and not for extension of affiliation and therefore, the respondents have rightly declined grant of affiliation for the Academic Session 2013-14. Accordingly, I do not find any merit in the writ petition and it is

dismissed. However, it is open to the petitioner-college to apply afresh for grant of affiliation for the Academic Session 2015-16 and if, an inspection was carried out in the mean-time by the respondent-Vinoba Bhave University, the respondent-University would consider the same and if, it decides to recommend for grant of affiliation to the petitioner-college, the same would be forwarded to the State Government, within time.

12. The writ petition stands dismissed in the aforesaid terms.