
(2013) 08 PAT CK 0028
In the Patna High Court
Case No : CWJC No. 13275 of 2013

Ram Baran Ray B.Ed. College

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 01-08-2013

Acts Referred:

Citation : (2013) 4 PLJR 386

Hon'ble Judges : Ravi Ranjan, J

Bench : Single Bench

Advocate : Chitranjan Sinha and Sanjeet Kumar, for the Appellant; Sanat Kumar Mishra for the State, Mr. Harendra K. Tiwari for the Respondent Nos. 4 and 5 and Mr. S.N. Pathak for the Respondent Nos. 6 and 7, for the Respondent

Final Decision : Allowed

Judgement

Ravi Ranjan, J.—Heard learned counsel for the petitioner, the State, the respondent Nos. 4 and 5 and the respondent Nos. 6 and 7. Petitioner, which is an institution; seeks direction to the respondent University to grant affiliation for running B.Ed. course.

2. It has been submitted on behalf of the petitioner that Eastern Regional Committee of the National Council for Teacher Education, which is a statutory body constituted by the Government of India, has already granted recognition to the institution vide its letter dated 13.8.2012 as contained in Annexure-1. Thereafter, the petitioner has approached the University by filing application alongwith requisites for grant of affiliation so that the institution can run a degree course imparting education for grant of B.Ed. degree. It is further contended that the New Teaching Programme Committee of the B.R. Ambedkar University, Muzaffarpur, vide its proceeding contained in Annexure-8, had already considered the proposal of fresh affiliation to the petitioner's college vide agenda No. 3 and has approved to be placed before the Academic Council and, thereafter, syndicate for approval. The Academic Council vide Annexure-9 has also considered and resolved to approve the proceeding of the New Teaching

Programme Committee. Thereafter, the matter was considered by the syndicate on 24.12.2012 and it had also considered the proceeding of the academic council and had resolved to approve the same. It is submitted that, thereafter, no final decision has been taken by the University despite such decision having been taken by the Syndicate even though Clause 4(9) of the notification dated 13.2.2012 of the University Grants Commission clearly indicates that the syndicate/executive council of the University shall be the ultimate authority for taking a decision for grant of affiliation. Learned counsel has placed reliance upon a decision dated 19.7.2010 of a Single Bench of this Court appended as Annexure-14 to impress upon this Court that, on identical issue, a direction was given to the same University, i.e., the B.R.A. Bihar University to grant permanent affiliation to the petitioner of that case within ten days. Learned counsel has further placed reliance upon a decision of the Apex Court rendered in State of Maharashtra v. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and Others [(2006)9 Supreme Court Cases 1] to demonstrate that the Apex Court, even though there was a bar u/s 83 of the Maharashtra Universities Act, had held that once NCTE grants recognition the University would be bound to implement such decision and grant affiliation in accordance therewith.

3. Learned counsel for the University has submitted that he is yet to receive any instruction.

4. Mr. S. N. Pathak, appears on behalf of the NCTE and has submitted that the Apex Court in State of Maharashtra v. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya (supra) has already held that after grant of recognition by the NCTE no option is left to the University other than granting affiliation to the concerned institution. In view of the aforesaid facts and circumstances and in view of the law laid down by the Apex Court as well as earlier decision of a Single Bench of this Court as mentioned above, this Court would be inclined to allow this writ application directing the Registrar, B.R.A. Bihar University to issue an order granting the affiliation in favour of the petitioner's institution within four weeks from the date of receipt/production/communication of this order if the same has been approved as stated above by syndicate of the University after grant of recognition by NCTE.