
(2017) 10 JH CK 0020
In the Jharkhand High Court
Case No : 6869 of 2016

Sheo Prasad Das

APPELLANT

Vs

The State of Jharkhand & Ors

RESPONDENT

Date of Decision : 31-10-2017

Acts Referred:

Citation : (2017) 10 JH CK 0020

Hon'ble Judges : Dr. S.N. Pathak

Bench : SINGLE BENCH

Advocate : Ritu Kumar, ?Ravi Kumar Singh, ?Rajesh Kumar, ?Dr. Ashok Kr. Singh

Judgement

I.A. No. 7122 of 2017

1. The matter has been specially assigned to the bench and posted today for hearing. It has been pointed out by the learned counsel for the petitioner, Mrs. Ritu Kumar that the Directorate of Higher Education has rejected the proposal for grant of affiliation to the petitioner B.Ed College for the session 2016-18 on 15.3.2017 vide memo no. 637, which is the subject matter of challenge in I.A. No. 3242 of 2017. In the meantime the respondent University has announced the date for second semester examination of the B.Ed courses for the session 2016-18 which is to commence from 1.11.2017. I.A. No. 7122 of 2017 is on board. The learned counsel has come out with a prayer for a direction to respondent no. 4 to allow the petitioner college to submit the examination forms of its students intending to appear in Second Semester B.Ed. Examination for the session 2016-18 and accept the same and further for a direction upon the university to extend the last date for submission of the application forms without imposing any fine upon the petitioner college. It has been pointed out by the learned counsel for the respondent University, Dr. Ashok Kumar Singh that the examination for the B.Ed, second semester of the session 2016-18 is going to be held from tomorrow itself i.e. 1.11.2017 and as such it is not possible for the University to accept the forms and issue admit cards and allow the students of the petitioner B.Ed college to appear in the said exam.

2. Mr. Rajesh Kumar, learned counsel appearing on behalf of the State very fairly submits that there is no technical difficulty in allowing the students of petitioner College to appear in the said exams as earlier also this Court has considered the entire aspect of the matter and has passed an order vide order dated 13.2.2017 allowing the petitioners to appear in the examination for B.Ed, First semester. The only ground for rejection by the State is the delayed approach of the petitioner college and the delayed recommendation by the university to the state which has been received by the state belatedly. At this stage it is not possible to consider their case for appearing in the examination.

3. Be that as it may having gone through the rival submissions of the parties this court is of the considered view that the issue regarding affiliation and approval of the B.Ed colleges is now no more res integra. The issue has already been decided by the Hon''ble Apex Court on 27.07.2015 in case of Vinod Bihari Mahato Memorial Teachers Training College Vs. Vinoba Bhave University & Ors. and in case of MaaVaishno Devi, Mahila Mahavidyalaya Vs. State of Uttar Pradesh & Ors. [reported in (2013) 2 SCC 617]. In view of the judgments of the Hon''ble Apex court and in view of the fact that the said judgment has already been considered by this Hon''ble court in several other cases, in the present case also the coordinate bench of this Hon''ble court considering the entire aspects have allowed the students of petitioner college to appear in the First semester of the B.Ed exams. Since the students of petitioner B.Ed College have already appeared in the First semester of the B.Ed exams, there is no occasion as to why they will be deprived from appearing in the second semester only on the ground of delay.

4. In view of the aforesaid circumstances/observations and judicial pronouncements, I hereby direct the respondent University to accept the forms of the petitioners who are to appear in the second semester exams of the B.Ed session 2016-18 and issue Admit cards before 11.30 a.m on 1.11.2017. The respondents State is also directed to do the needful and if the petitioners approaches the university before 11.30 am on 1.11.2017 the admit cards shall be issued to each and every student of the petitioner college appearing in the B.Ed examinations who have approached the court.

5. With this aforesaid observations this I.A. No. 7122 of 2017 is allowed. Let the petitioner college ensure that forms of the respective students who are to appear in the B.Ed exams on 1.11.2017 be submitted to the University along with requisite fees without any fine by 10 pm today itself.

I.A. stands disposed of.

6. Let a copy of this order be handed over to the respective counsels.

W.P.(C) No. 6869 of 2016

Let this case be listed after four weeks.