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B.A. College of Engineering and Technology Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Feb-13-2008

Reported in : 2008(56)BLJR2153; [2008(2)JCR131(Jhr)]

Judge : M.Y. Eqbal, J.

Appellant : B.A. College of Engineering and Technology

Respondent : State of Jharkhand and ors.

Judgement :

M.Y. Eqbal, J.

1. Mr. A.K. Sinha, learned Sr. Counsel appearing for the petitioner is directed to implead the All India Council for Technical Education, New Delhi as party respondent.

2. In this writ application the petitioner seeks appropriate direction upon the respondents-Ranchi University to iss le no objection certificate as well as affiliation to B.A. College of Engineering and Technology, Gutia, Ghatshila in the district of East Singhbhum, Jamshedpur and further allow the students to appear in the 1st Semester of Engineering Examination scheduled to be held from 17.2.2008.

3. I have heard Mr. A.K. Sinha, learned senior Counsel appearing for the petitioner, Mr. Anoop Kumar Mehta, learned Counsel for the University, Mr. R.N.

Sahay, Sr. SC-II, for the State and Mr. A.K. Jha, learned Counsel for the AICTE.

4. The fact which has not been disputed, by the counsels an that petitioner-College is run by the Bihar Association pursuant to the invitation issued by the Government of Jharkhand reduesting for opening of Technical Institution at Jamshedpur. The All India Council for Technical Education, New Delhi also sent letter to the petitioner for establishment of new Degree Engineering Institution. The Department of Science and Technology, Govt. of Jharkhand issued no objection to the proposal for establishment of new Engineering College. After grant of no objection from the Government, petitioner applied for no objection certificate from the Ranchi University sometime in June 2007. In the meant me, All India Council for Technical Education, New Delhi sent letter of approval for establishment of the college. The Government of Jharkhand also issued letter allocating seats for the Session 2007-08 and admission have taken on the basis of merit list provided by Jharkhand Combined Engineering Competitive Examination Board, Ranchi. It is, therefore, clear that, students were admitted with the approval of the Government out of the merit list prepared after the competitive examination. It is merely because there is delay from the side of the University in granting no objection certificate, the affiliation was not granted. Despite the delay caused from the side of the University, examination forms together with necessary affiliation fees tendered by the petitioner has not been accepted.

5. Learned Counsel for the State drawn my attention towards Annexure-14 of the writ application and submitted that Government of Jharkhand also requested the Vice-Chancellor of the Ranchi University to accept provisional registration and allow the students to appear in the examination.

In the background of all these admitted facts, this writ application is disposed of by passing the following order:

(i) Petitioner shall submit examination forms together with all necessary documents and fees by 14th February 2008. Petitioner shall also submit necessary papers, if required for grant of affiliation.

(ii) The respondent shall process the matter for the purpose of grant of affiliation and on receipt of recommendation the Government shall take decision, if at all required, within seven days.

6. In the meantime, students admitted out of the merit list of the successful candidates of Jharkhand Combined Engineering Competitive Examination shall be allowed to appear in the 1st Semester Examination of the College.

Needless to say that the result of these students shall be published subject to the decision taken by the Ranchi University and the Government of Jharkhand with regard to affiliation of the College.

Let a copy of this order be handed over to Mr. R.N. Sahay, learned Sr. SC-II.

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