

Rajesh Kumar and Anr Vs. Human Resources Department

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Court : Jharkhand

Decided On : May-03-2016

Appellant : Rajesh Kumar and Anr

Respondent : Human Resources Department

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (C) No. 5304 of 2015
--- Swami Sahajanand Saraswati B.Ed College, Bokaro. ----- Petitioner Versus

1. The State of Jharkhand
 2. The Principal Secretary, Department of Higher Education
 3. Vinoba Bhave University, Hazaribagh through its Vice Chancellor
 4. Registrar, Vinoba Bhave University, Hazaribagh
 5. The Member Secretary, National Council for Teacher Education
 6. The Regional Director, National Council for Teacher Education -----
- Respondents with W.P. (C) No. 561 of 2016

1. Lalita Kumari
2. Deepak Kumar Saw --- --- --- Petitioners Versus

1. The State of Jharkhand

2. The Director, Higher Education & Technical Education, Human Resources Development Department, Govt. of Jharkhand

3. The Dy. Secretary, Human Resources Development Department, Govt. of Jharkhand

4. Vinoba Bhave University through its Registrar

5. Lala Pritam B. Ed College, Chatra --- --- Respondents with W.P. (C) No. 565 of 2016

1. Rajesh Kumar

2. Swati --- --- --- Petitioners Versus

1. The State of Jharkhand

2. The Director, Higher Education & Technical Education, Human Resources Development Department, Govt. of Jharkhand

3. The Dy. Secretary, Human Resources Development Department, Govt. of Jharkhand

4. Vinoba Bhave University through its Registrar

5. Swami Sahjanand Saraswati B. Ed College, Bokaro --- Respondents with W.P. (C) No. 566 of 2016 Lala Pritam B. Ed College, Chatra --- --- --- Petitioner Versus

1. The State of Jharkhand

2. The Director, Higher Education & Technical Education, Human Resources Development Department, Govt. of Jharkhand

3. The Dy. Secretary, Human Resources Development Department, Govt. of Jharkhand

4. Vinoba Bhave University through its Registrar ---- --- Respondents with 2
W.P.(C) No. 1709 of 2016

1. Sandeep Rajak
2. Balbant Kumar
3. Ajeet Kumar Rajak
4. Sushil Kumar
5. Rajeev Rana
6. Vikash Kumar Suman
7. Dharmendra Thakur
8. Geeta Kumari
9. Soni Kumari
10. Dinesh Kumar Pandey
11. Madhuri Kumari
12. Rajeev Ranjan
13. Ranjeet Kumar Thakur
14. Prakash Kumar
15. Rajendra Prasad Singh
16. Anuj Kumar Shreshkar
17. Smita Kumari
18. Tanu Bharati
19. Vijay Kant Rajak

20. Anjali Kumari
21. Priyanka Kumari
22. Sita Kumari
23. Md. Rashid Ansari @ Rashid
24. Md. Shahnawaz Alam
25. Bimla Kumari
26. Guddu Prasad Gupta
27. Fanish Kumar Pandey
28. Amod Kumar
29. Amit Kumar Gupta
30. Md. Irshad Alam
31. Rajan Kumar Sharma
32. Varun Kumar
33. Naushaba Perween
34. Lalan Kumar Yadav
35. Vijay Sanga
36. Ajra Warsiya
37. Ravi Shankar Kumar
38. Nishi Rani
39. Yugesh Kumar Yadvav

40. Ruby Kumari
41. Anuradha Kumari
42. Shikha Sharma
43. Binita Kumari Gope
44. Balchand Oraon
45. Pintu Chaudhary
46. Priyanka Kumari
47. Sunita Kumari
48. Indu Kumari 3
49. Manju Kumari
50. Arjun Kumar Singh
51. Prahalad Kumar
52. Shaista Yasmin
53. Sushama Kumari
54. Sarita Kumari
55. Kunj Bihari
56. Manabendra Tiwari
57. Pushpa Kumari
58. Aruna Dixit
59. Rashmi Kumari

60. Nagendra Kumar
61. Sweta Kumari Singh
62. Shashi Bhushan Shastri
63. Manoj Yadav
64. Kishor Kumar
65. Umesh Kumar
66. Rupa Kumari
67. Chandan Kumar
68. Raju Kumar Saw
69. Prem Lata Kumari
70. Santan Das
71. Arshad Azmee
72. Anand Bharti
73. Anshu Kumari
74. Wajeeha
75. Sarita Kumari
76. Rina Kumari
77. Kumari Shobha Saurabh
78. Brajesh Kumar
79. Shila Kumari

80. Kiran Kumari

81. Shyamdev Kumar

82. Ajit Kumar

83. Rahul Kumar Bharti

84. Teranum Parvin

85. Amit Jaiswal

86. Madhuri Kumari

87. Sita Ram Karmakar

88. Rahul Kumar

89. Shashant Kumar

90. Anita Kumari

91. Priyanka Kumari 4

92. Annu Agarwal

93. Umesh Yadav

94. Samson Daniel Kujur

95. Md. Shafiullah

96. Ravi Kumar ... Petitioners -V e r s u s-

1. The State of Jharkhand

2. The Director, Higher Education & Technical Education, Human Resources Development Department, Government of Jharkhand, Ranchi

3. The Deputy Secretary, Human Resources Development Department, Government of Jharkhand, Ranchi
4. Vinoba Bhave University through its Registrar, Hazaribagh
5. Lala Pritam B. Ed. College, Chatra through its Secretary ---- -- Respondents ---
CORAM: The Honble Mr. Justice Aparesh Kumar Singh For the Petitioners : M/s Anil Kr. Sinha, Sr. Advocate, Rajeev Ranjan Tiwari, Vishal Kr. Tiwari, Pramod Kumar, Advocates For the State : M/s H.K. Mehta, A.A.G., Rakesh Kr. Shahi, and Sharad Kaushal, JC to AAG, Prashant Kr. Singh, GP-VI, Priya Shreshtha, JC to Sr. SC-II For SKM University : M/s M. Sohail Anwar, Sr. Advocate Mithilesh Singh, Advocate For VB University : M/s Dr. Ashok Kr. Singh, I. Sen Choudhary, Mithilesh Singh, Advocates For the NCTE : Mr. Prabhu Dayal Agrawal, Advocate
09/03.05.2016: Heard learned counsel for the parties. To make things clear at the outset it is being indicated that the petitioners in W.P.(C) No.565 of 2016 are students of the petitioner- college in W.P.(C) No.5304 of 2015. Petitioners in W.P.(C) Nos.561 of 2016 and 1709 of 2016 are students of petitioner college in W.P.(C) No.566 of 2016. The issues involved in all these writ petitions are relating to non-grant of affiliation to the college for B.Ed. Course for the session 2014-15. Students of these colleges have also joined in the litigation to pursue their grievance and essentially to allow them to undertake the 5 exams for B.Ed. Course for the academic session 2014-15 which was scheduled to be held in February, 2016. Through I.A. No.798 of 2016 in W.P.(C) No.561 of 2016 and I.A. No 797 of 2016 in W.P.(C) No.565 of 2016 the petitioners i.e. the students of both the B.Ed. Colleges sought stay of the revised programme for Bachelor of Education Examination, 2015 scheduled to commence from 15th February, 2016. They also made an alternative prayer to allow them to face the exams. By order dated 11 th February, 2016 the prayer was refused on the grounds that the issue relating to affiliation is the basic question to be determined in the writ petitions for the said session. Therefore, none of the students of these two colleges for the session 2014-15 B.Ed. Course have taken the exams. Learned counsel for the University informs today that the results of the exams held for the session 2014-15 have already been published on 30th April, 2016. He has also submitted that in view of the judgment rendered by the Apex Court in the case of Gopinath Singh

B.Ed. College vs. The State of Jharkhand & Ors. [SLP (C) No. 24241 of 2015 order dated 12th October, 2015], the issue relating to grant of affiliation for the said session is now no longer open for consideration. From the pleadings of both the writ petitions of the petitioner colleges and the counter affidavit filed on behalf of the respondent University it is apparent that the petitioner colleges did not make their application for grant of affiliation for the session 2014-15 by the deadline 10th March, 2014 as prescribed in the time schedule laid down by the Apex Court in the case of Maa Vaishno Devi Mahila Mahavidyalaya v. State of U.P. Reported in (2013)2 SCC617 6 The petitioner-college in W.P.(C) No.5304/2015, Swami Sahajanand Saraswati B.Ed. College, Bokaro (hereinafter to be referred to as SSS B.Ed. College) had been granted permanent affiliation by the NCTE vide Annexure-1 order dated 18th January, 2013 from academic session 2013-14 for the B.Ed. Course of secondary level of one year duration with an annual intake of 100 subject to fulfillment of the following conditions :- (i) The institution shall comply with the various other norms and standards prescribed in the NCTE regulations, as amended from time to time. (ii) The institution shall make admission only after it obtains affiliation from the examining body in terms of Clause 8(12) of the NCTE (Recognition Norms and Procedure) Regulations, 2009. (iii) The institution shall ensure that the required number of academic staff for conducting the course is always in position. (iv) All such other requirements as may be prescribed by other regulation bodies like UGC, affiliating university/Body the State Government etc. as applicable. (v) The institution shall submit the Regional Committee a Self- Appraisal Report of the end of each academic year along the statement of annual accounts duly audited by a Chartered Accountant. (vi) The institution shall maintain and update its website as per provisions of NCTE Regulations and always display following as mandatory disclosure. a. Copy of the application form b. Land and building particulars c. Staff profile d. Recognition letter e. Information for having fulfilled the norms & standard and other required conditions. The respondent Vinoba Bhave University has granted it affiliation 7 for one year for the academic session 2013-14 and thereafter for the session 2015-17 and 2016-18. In the aforesaid background of the relevant facts, learned senior counsel for the petitioner has made the following submissions :- (i) Upon grant of permanent recognition by the NCTE the University was obliged to grant permanent

affiliation. Judgment rendered by the Apex Court in the case of State of Maharashtra vs. Sant. Dnyaneshwar Shikshan Shastra Mahavidyalaya & Ors. reported in (2006)⁴ Supreme Today 548 equivalent to (2006)⁹ SCC1 and in the case of Jaya Gokul Educational Trust vs. Commissioner & Secretary, Higher Education Department, Thiruvananthapuram, Kerala State & Anr. Reported in (2000)⁵ SCC231 page 22 and 23 has been relied upon in support of the aforesaid contention. Learned counsel for the petitioners have also submitted that the time schedule prescribed by the Apex Court in the case of Maa Vaishno Devi (Supra) would also be open to relaxation on peculiar facts of an individual case. Reliance has been placed on the judgment rendered by the Apex Court in the case of Asha vs. Pt. B.D. Sharma University of Health Sciences & Ors. reported in (2012) 7 SCC389 (ii) Learned counsel for the petitioner has also relied upon the various paragraphs of the judgment rendered by the Apex Court in the case of Maa Vaishno Devi (Supra) on the role of the University. (iii) It is submitted that provisions under Section 14(6) of the NCTE Act, 1993 make it incumbent on the respondent University to grant permanent affiliation to the petitioner college after permanent recognition by the NCTE. Documents enclosed to their pleadings and reply to supplementary counter affidavit of the University (Annexure-1 series) have been referred to. A resolution of the respondent-Vinoba Bhave University dated 26th July, 2013 is being placed to submit that petitioners should have been granted extension of affiliation for three academic sessions as they fall in category-II, provided they fulfill the conditions laid down if any under the NCTE norms, as petitioner has already been granted affiliation for one academic session. Reliance has been placed upon a letter dated 27th July, 2013 issued by the respondent University in the matter of Maharshi Param Hans College of Education which is said to have been granted affiliation following the same resolution from 2013- 14 onwards till 2015-16. It is submitted that no exception should have been made in the petitioners' case. Learned counsel for the University has strongly contested the submissions of the petitioner. Reliance has also been placed upon the judgment rendered by the Apex Court in the case of Maa Vaishno Devi (Supra) specifically the time schedule prescribed in para-87.1. He has also placed reliance upon para-59, 71, 77, 78, 81, 82 and 83 of the said judgment. Learned Counsel for the respondent has stated that the petitioner college, even by its own admission, has

made the application for grant of affiliation for B.Ed. Course for 2014-15 session on 17 th March, 2014 i.e. beyond the deadline 10th March, 2014 as prescribed under the time schedule laid down by the Apex Court in Maa Vaishno Devi case (supra). Relying upon judgment rendered in Maa Vaishno Devi case 9 itself, it is submitted that the Apex Court has duly considered the judgment rendered earlier in the case of Sant. Dnyaneshwar Shikshan Shastra Mahavidyalaya. It is further submitted that the grant of recognition by NCTE does not entail automatic affiliation to any such college by the examining body. The examining body has to satisfy itself of the requirements of law under the University Act and the Statute and the instructions issued by the respondent Directorate of Higher Education before granting any such affiliation to such B.Ed. College and only if such application is made by 10th March of the relevant year. In the instant case petitioner college having failed to apply by 10th March, 2014, there is no reason to entertain the writ petition itself which deserves dismissal. Reliance has also been placed on Annexure-B to their counter affidavit which is an affidavit of the petitioner college dated 6 th September, 2014 where it is categorically stated that it has not taken any admission in 2014-15 session for B.Ed. Courses as no affiliation has been granted by the University. Therefore, the petitioner college and that of the students allegedly admitted by it for the session 2014-15 has to suffer the same fate, otherwise the University and the Directorate of Higher Education would be liable for facing contempt of the order of the Hon'ble Apex Court as categorically cautioned in the judgment rendered in the case of Maa Vaishno Devi. This Court should also not exercise its discretionary jurisdiction in teeth of the law laid down by the Apex Court to relax the time schedule and allow the claim of the petitioner for such affiliation for the said session to be entertained. Petitioners in W.P.(C) No.566 of 2016, Lala Pritam B.Ed. College, Chatra (hereinafter to be referred to as L.P. B.Ed. College) have also made a prayer for grant of affiliation for the same academic session of B.Ed. Course asserting that it has been granted recognition by the NCTE. This college has been granted permanent recognition vide Annexure-1 dated 17th August, 2012 with an annual intake of 100 students from the academic session 2012-13 for one year B.Ed. Course secondary level subject to the same conditions as quoted herein above. This petitioner has been granted affiliation for the academic session 2012-13 by the

University and also for the academic session 2015-17 and 2016-18 also. It is, however, not in dispute that this petitioner college also did not make application for affiliation by the deadline prescribed i.e. 10 th March, 2014 as per the time schedule laid by the Apex Court in the case of Maa Vaishno Devi (supra). Similar submission has been made in the present writ petition also on the part of the petitioners for grant of affiliation for 2014-

15. Learned counsel for the petitioners in both the cases have relied upon the judgment rendered by the Apex Court in the case of Binod Bihari Mahto Memorial Teachers Training College vs. Vinoba Bhave University & Ors. [SLP (C) No. 16425/2015] dated 27th July, 2015. According to them, the Hon'ble Apex Court had taken into account that the examinations for the academic session 2014-15 having not been held, there is no difficulty in granting affiliation to the petitioners in both cases to which affiliation has already been granted by the University for the academic session 2013-14 as well as for the session 2015-17. The Apex Court, therefore, directed the respondent University to extend the affiliation even for the academic session 2014-15. The order of the Apex Court is annexed at Annexure-12 and 13 of the writ application being W.P. 11 (C) No.5304/2015. In such circumstances, it is prayed that no distinction should be made to the present college. Counsel for the petitioner in L.P. B.Ed. College submits that application for affiliation was made for the session 2014-15 and 2015-17 together and affiliation for session 2015-17 has been granted while the same has been refused for the previous academic session. It is, however, not in dispute that the application was not made by 10th March, 2014 for the academic session 2014-15. Learned counsel for the respondents University, however, submits by relying upon the judgment passed by the Apex Court in the case of Binod Bihari Memorial Teachers Training College in Civil Appeal No.5857/2014 (Annexure-12) that the Apex Court found that there was no fault attributable to the appellant college for the delay that has been caused in taking of the decision relating to grant of affiliation for the academic session 2014-15. It was also taken note that on account of the administrative delay on the part of the authorities only the action could not be taken within time fixed by this Court prescribed in Maa Vaishno Devi case. The instant cases are, therefore, not covered by the said judgment as petitioners have admittedly failed to apply by the deadline 10th March, 2014. I have considered the

issues involved in the matter in the light of the relevant materials, facts pleaded after considerable hearing to the parties. Question relating to grant of affiliation is no longer res-integra in view of the pronouncement of the Hon'ble Supreme Court in the case of Maa Vaishno Devi (supra). Contentions of the petitioners that the time 12 schedule prescribed in Maa Vaishno Devi case is only meant for a particular academic year/session and would not be applicable to application made for any such subsequent year/session is not at all made out from perusal of the said judgment as well as the time schedule itself as prescribed in para-87.1 thereof. It is also not deducible from the ratio laid down therein by the Apex Court that grant of affiliation is a formality on the part of the examining body on grant of permanent recognition by the NCTE. Paragraph-71 of the judgment of the Apex Court is clear on the point that the examining body has a role to play and satisfy itself of all the required conditions to be fulfilled on the part of the college seeking affiliation. The Apex Court has also clearly laid down that the examining body can impose conditions in relation to its own requirements such as (a) eligibility of students for admission; (b) conduct of examinations; (c) the manner in which the prescribed courses should be completed; and (d) to see that the conditions imposed by NCTE are complied with. For better appreciation, paragraphs-71, 77, 78, 79, 80, 81 and 83 of the judgment are quoted hereunder :-

71. The examining body can impose conditions in relation to its own requirements. These aspects are: (a) eligibility of students for admission; (b) conduct of examinations; (c) the manner in which the prescribed courses should be completed; and (d) to see that the conditions imposed by NCTE are complied with. Despite the fact that recognition itself covers the larger precepts of affiliation, still the affiliating body is not to grant affiliation automatically but must exercise its discretion fairly and transparently while ensuring that conditions of the law of the university and the functions of the affiliating body should be complementary to the recognition of NCTE and ought not to be in derogation thereto.

77. The fields which are sought to be covered under the provisions of Section 37 of the Universities Act and the statutes of various universities are clearly common to the aspects which are squarely covered by the specific language under the Act. That being so, all State laws in regard to affiliation insofar as they are covered by

the Act must give way to the operation of the provisions of the Act. To put it simply, the requirements which have been examined and the conditions which have been imposed by NCTE shall prevail and cannot be altered, re-examined or infringed under the garb of the State law. The affiliating/examining body and the State Government must abide by the proficiency and command of NCTE's directions. To give an example, existence of building, library, qualified staff, financial stability of the institution, accommodation, etc. are the subjects which are specifically covered under Section 14(3)(b) of the Act. Thus, they would not be open to re-examination by the State and the university. If the recognition itself was conditional and those conditions have not been satisfied, in such circumstances, within the ambit and scope of Sections 46 and 16 of the Act, the affiliating body may not give affiliation and inform NCTE forthwith of the shortcomings and non-compliance with the conditions. In such situation, both the Central and the State body should act in tandem and, with due coordination, come to a final conclusion as to the steps which are required to be taken in regard to both recognition and affiliation. But certainly, the State Government and the university cannot act in derogation to NCTE.

78. Now, we may deal with another aspect of this very facet of the case. It is a very pertinent issue as to what the role of the State should be after the affiliation is granted by the affiliating body. We have already discussed that the State opinion, as contemplated under Section 37 of the University Act, to the extent it admits to overreach, is reconcilable and its results are not in its orientation to the directives of NCTE are void and inoperative to the extent they can be resolved in which case clear precedence is to be given to the directives of NCTE during such resolution. The opinion of the State, therefore, has to be read and construed to mean that it would keep the factors determined by NCTE intact and then examine the matter for grant of affiliation. The role of the State Government is minimised at this stage which, in fact, is a second stage. It should primarily be for the university to determine the grant or refusal of affiliation and role of the State should be the bare minimum, non-interfering and non-infringing.

79. It is on record and the Regulations framed under the Act clearly show that upon receiving an application for recommendation, NCTE shall send a copy of the

application with its letter inviting recommendations/ comments of the State Government on all aspects within a period of 30 days. To such application, the State is expected to respond with its complete comments within a period of 60 days. In other words, the opinion of the State on all matters that may concern it in any of the specified fields is called for. This is the stage where the State and its Department should play a vital role. They must take all precautions to offer proper comments supported by due reasoning. Once these comments are sent and the State Government gives its opinion which is considered by NCTE and examined in conjunction with the report of the experts, it may grant or refuse recognition. Once it grants recognition, then such grant attains supremacy vis--vis the State Government as well as the affiliating body. Normally, these questions cannot be re-agitated at the time of grant of affiliation. Once the university conducts inspection in terms of its statutes or Act, without offending the provisions of the Act and conditions of recognition, then the opinion of the State Government at the second stage is a mere formality unless there was a drastic and unacceptable mistake or the entire process was vitiated by fraud or there was patently eminent danger to the life of the students working in the school because of non-compliance with a substantive condition 14 imposed by either of the bodies. In the normal circumstances, the role of the State is a very formal one and the State is not expected to obstruct the commencement of admission process and academic courses once recognition is granted and affiliation is found to be acceptable.

80. In *Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya* the view of this Court was that the State Government has no role whatsoever. However, in *Bhartia Education Society* it was stated that the role of the State Government was limited to the manner of admission, eligibility criteria, etc. without interfering with the conditions of recognition prescribed by NCTE. The exercise of discretion by the State Government and affiliating body has to be within the framework of the Act, the Regulations and conditions of recognition. Even in *St. Johns Teachers Training Institute* the Court stated that the State Government or the Union Territory has to necessarily confine itself to the guidelines issued by NCTE while considering the application for grant of no-objection certificate. Minimisation of the role of the State at the second stage can also be justified on the ground that affiliation primarily is a subject-matter of the university which is responsible for

admission of the students laying down the criteria thereof, holding of examinations and implementation of the prescribed courses while maintaining the standards of education as prescribed.

81. Lastly, the question which is required to be discussed in the light of the facts of the present cases is adherence to the schedule. Once the relevant schedules have been prescribed under the Regulations or under the Judge-made law, none, whosoever it be, is entitled to carve out exceptions to the prescribed schedule. 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. Where, on the one hand, it places an obligation upon the authorities to act according to the schedule, there it also provides complete clarity to other stakeholders as to when their application would either be accepted and/or rejected and what will be the time duration for it to be processed at different quarters. It also gives clear understanding to the students for whose benefit the entire process is set up as to when their examinations would be held, when results would be declared and when they are expected to take admission to different colleges in order of merit obtained by them in the entrance examinations or other processes for the purposes of subject and college preference.

83. Undoubtedly, adherence to the schedule achieves the object of the Act and its various aspects. Disobedience results in unfair admissions, not commencing the courses within the stipulated time and causing serious prejudice to the students of higher merit resulting in defeating the rule of merit. The Apex Court in the case of *Maa Vaishno Devi* (supra) after consideration of the judgment rendered by the Apex Court earlier including that of *Sant Dnyaneshwar* (supra) and the precedence on the point has carved out an important role for the examining body to undertake before affiliation is granted. Therefore, contention of the 15 petitioner to that effect is not correct. In the facts of the present case since the application for affiliation for the session 2014-15 was not made by the prescribed deadline 10th March, 2014 the petitioner colleges have failed to comply with the requirements of law and therefore the University cannot be blamed for not taking any decision on the question of grant of affiliation for the academic session 2014-15 for B.Ed.

Course of these colleges. Grant of subsequent affiliation to the petitioner colleges in no way would derogate from the requirements of law for seeking affiliation for the particular academic session 2014-15 which they have failed to comply with. It is a matter of grave concern that despite assertion on affidavit made by the petitioner SSS B.Ed. College as reflected in Annexure-B to the counter affidavit of the respondent University that it had not taken admission of the students for the academic session 2014- 15, petitioner college and the students have asserted that admissions of students have been made for the said session. Based on that, they have also sought indulgence of the Court to allow them to take exams held by the University for the said session which commenced from 15 th February, 2016. This conduct of the petitioner-SSS B.Ed. College is, therefore, severely deprecated. The innocent students have been allowed admission in teeth of the law and the specific direction of the University not to take admission for the said session, contrary to their own statement on affidavit that no such admissions are being taken for the session 2014- 15. The petitioner-SSS B.Ed. College is not only required to refund the entire fee collected from the students admitted to the said college for the session 2014-15 for B.Ed. Course, but also to pay a cost of Rs.25,000/- 16 to each of those students who have been admitted in a wholly improper and irregular manner in the college in question. Petitioner-L.P. B.Ed. College which has also not applied within the time schedule 10 th March, 2014 for affiliation, is also not entitled to seek affiliation for the said academic session from the respondent University and the State. In view of the law laid down by the Apex Court to be scrupulously followed by all concerned, the University and the State and the specific caution given in para-88 of the said judgment, no exceptions can be carved out from the time schedule laid down. It is also not out of place to observe here that in the case of Binod Bihari Memorial Teachers Training College the Apex Court has found that there was no delay on the part of the petitioner college and the delay, if any, was attributable to the State authorities in processing the application for recognition. In such circumstances, affiliation was directed to be extended to the said petitioner college for the academic session 2014-15. Petitioners, therefore, cannot take the benefit of the said judgment also. Consequently the petitioner L.P. B.Ed. College is also required to refund the entire fees to the students admitted to the said college for the academic session 2014-15

of B.Ed. Course along with the cost of Rs.25,000/- to each of the students. It is made clear that refund of the fee and the cost awarded would in no way be passed on to the students of any session. Writ petitions are, accordingly, dismissed. At this stage, it is important to mention that this Court, during deliberation of the writ petitions, had found that issues of larger importance and consequence relating to grant of affiliation are required to be addressed by the respondent Department of Higher and Technical Education and all the Universities. Consequently, by the order dated 23.4.2016 the respondent authorities of the State and the Registrars of all the five Universities were directed to be impleaded as parties and required to be present in the Court today to assist on the larger issues involved. Learned Advocate General has appeared in the matter on behalf of the respondent-Department of Higher and Technical Education. The submissions advanced today on behalf of the respondents in respect thereof are being recorded separately for the purpose of monitoring the progress and the steps being taken by the respondent State and the Universities on the larger issues involved in the matter of grant of affiliation to B.Ed. Colleges in the State. However, on account of the discussions made and the reasons recorded herein above in respect of the individual cases, all the writ petitions are being dismissed. For consideration on the larger issues and for filing of the progress/status report in that regard, W.P.(C) No.5304 of 2015 is being posted on 5th July, 2016. (Aparesh Kumar Singh, J.) Shamim/Kamlesh

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