

R. P. Sharma Institute Of Technology Through Its Registrar And Anr Vs Magadh University, Bodh Gaya, Through Its Registrar And Ors

Court: Patna High Court

Date of Decision: April 30, 2018

Acts Referred: Bihar State Universities Act, 1976 " Section 4(1)(11), 4(1), 37, 38

All India Council For Technical Education Act, 1987 " Section 10

Constitution Of India, 1950 " Article 141

Citation: (2018) 4 PLJR 215

Hon'ble Judges: Chakradhari Sharan, J

Bench: Single Bench

Advocate: Rajendra Prasad Singh, Brisketu Sharan Pandey, Prince Kumar Mishra, S. N. Pathak, Shivendra Kishore, Ritesh Kumar

Final Decision: Allowed

Judgement

B.P.ED,500000

M.P.ED,500000

M.ED,500000

B. ED,500000

M.B.B.S.,250000 (no change)

P.G.M.B.B.S.,30000 special paper (no change)

B.D.S,150000 (no change)

M.D.S., "25000 Special Paper (no
change)

B. PHARMACY,250000

M. PHARMACY,300000

Para-Medical (bachelor),100000

Para -medical (P.G.),150000

LL.B. (three years),150000

LL.B. (five years),150000

L.L.M.,300000

Professional/Vocational Courses (bachelor),300000

P.G. Diploma-One Year (professional/

vocational)",200000

Professional/Vocational Courses (Master),500000

Master Degree-2 Years (Professional),200000

Processing Fee (for new),50000

Fee, for nomination,

of, UR, in, the

B.ED./M.ED. college",50000

01.9.2014. Therefore, we are not reiterating the same.

14. In view of the law which has been laid down by the Supreme Court, in the case of Rungta Engineering College (supra), the University did not have",

any other option, but to grant affiliation in favour of the institution in question. The Supreme Court made clear observation, in the case of Rungta",

Engineering College (supra), that affiliation can be declined by the University either on the ground that the institution is admitting wholly ineligible",

students as per the norms stipulated by the respondent- University or the admission procedure prescribed by the respondent is not being complied with,

by the petitioner or on any other ground that the institution violated anyone of the stipulations made by the University, which the University is legally",

competent to make. Keeping the matter of affiliation pending for long has natural and serious consequence of denial of affiliation, which the University",

cannot afford to take so lightly. Taking a false plea before this Court aggravates the conduct of the University as an institution,

15. It is quite evincible from the Supreme Court's decision, in the case of Rungta Engineering College (supra), that the Supreme Court has relied",

on earlier decision of the Supreme court, in the case of Bhartia Education Society v. State of H. P., reported in (2011) 4 SCC 527 : 2011 (2) PLJR",

(SC) 94. Be it noted that the Supreme Court, in the case of Bhartia Education Society (supra), had the occasion to deal with the provisions of the",

National Council for Teacher Education Act, 1993. Following the ratio in the case of Bhartia Education Society (supra), while considering the",

provisions under the Act, the Supreme Court, in the case of Rungta Engineering College (supra), laid down the law under Article 141 of the",

Constitution of India, in paragraph 42, has already been noted above, which is binding. It is unfortunate that the Vice-Chancellor of the University,",

despite understanding the import of the law laid down by the Supreme Court, in the case of Rungta Engineering College (supra), refused to consider",

the case of the petitioners' institutions, despite clear direction and observation made by this Court.",

16. Mr. Rajendra Prasad Singh, learned Senior Counsel, appearing on behalf of the petitioners, has rightly drawn my attention to the decision of the",

Affiliation Committee of the University taken in its meeting, held on 31.01.2001, which is not in dispute. It is evident that a decision was taken by the",

Affiliation Committee on 30.01.2001 to grant extension of affiliation from time to time as and when the approval by the AICTE was granted to these,

institutions. Relevant portion of the said decision is being quoted hereinbelow:-,

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17. The above noted facts clearly show that the stand of the University that certain decision was taken by the statutory committee of the University to,

charge inspection fee of Rs. 5,00,000/-, is completely false. Secondly, in view of the law laid down by the Supreme Court, in the case of Rungta",

Engineering College (supra), the University did not have any other choice than to grant affiliation in favour of the colleges. Thirdly, the action of the",

University is apparently in breach of the decision already taken in the year 2001 by the Affiliation Committee, which is said to have been approved by",

the Senate and Syndicate of the University and subsequently the State of Bihar also. The past conduct of the University, which has been taken note",

of, also deserves to be strongly deprecated, which I do.",

18. Mr. Shivendra Kishore, learned Senior Counsel, appearing on behalf of the University, has drawn my attention to the impugned decision of the",

University, dated 05.12.2017, in order to make out a case that decision earlier taken by the University in terms of decision of the Affiliation",

Committee, in its meeting, held on 31.01.2001, has been superseded by the subsequent decision on 05.12.2017.",

19. Mr. Singh, learned Senior Counsel, appearing on behalf of the petitioners, on the other hand, has submitted that the decision of the University taken",

in the light of the decision of the Affiliation Committee, dated 31.01.2001, was not only approved by the Senate and Syndicate of the University, but by",

the State Government also, as communicated to the petitioner no. 1 institution through letter, dated 13.09.2003.",

20. Mr. Shivendra Kishore, learned Senior Counsel, has, however, not been able to answer the said submission made on behalf of the petitioners that",

the earlier decision of the University taken in the year 2001 was approved up to the level of the State Government.,

21. In view of the discussions as above, this application is allowed. The University is directed to act strictly in accordance with the decision of the",

Supreme Court, in the case of Rungta Engineering College (supra), within a period of one month from the date of receipt/production of a copy of this",

order.,

22. Considering the manner in which the University has dealt with the case of the petitioners in considering grant of affiliation in utter disregard to the,

judicial pronouncements and statutory provisions, coupled with the fact that a false plea has been taken by the University to justify their action, I am",

constrained to impose a cost of Rs. 5,00,000/- to be paid to the petitioners (Rs. 2,50,000/- each) within a period of three months from today.",

23. The exemplary cost, I have imposed, is because the University has refused to learn lessons despite repeated orders by this Court, compelling the",

litigant petitioners to approach this Court again and again. This may have deterrent effect too, keeping in mind the fact that the University has",

consistently acted in defiance of the statutory provisions and the Supreme Court's direction.,

24. Let the order be communicated to the Office of the Chancellor, Universities of Bihar, forthwith, for the purpose of examining the question of",

initiation of action against the functionaries of the University, since the Court is of the prima facie view that their actions smack of mala fide.",