

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (C) No. 2443 of 2014

SITWANTO DEVI MAHILA KALYAN SANSTHAN, A SOCIETY REGISTERED UNDER THE SOCIETIES REGISTRATION ACT, 1860 BEARING REGISTRATION NO. 209/96-97 HAVING ITS REGISTERED OFFICE AT "SITA RAM BHAWAN" BARIDIH BASTI NEAR ZILLA SCHOOL, P.O. BARIDIH, P.S. SIDGORA, TOWN JAMSHEDPUR DISTRICT- EAST SINGHBHUM, SECRETARY, SRI MADAN MOHAN SINGH, S/O SRI TEJ NARAYAN SINGH, RESIDENT OF "PRABHUDWAR", NIRALA PATH, BARIDIH BASTI, P.O. BARIDIH, P.S. SIDGORA, JAMSHEDPUR, DISTRICT- EAST SINGHBHUM

... .. PETITIONER

VERSUS

1. STATE OF JHARKHAND THROUGH ITS ADDITION CHIEF SECRETARY, DEPARTMENT OF SCIENCE AND TECHNOLOGY, GOVERNMENT OF JHARKHAND, NEPAL HOUSE DORANDA, RANCHI.
2. DIRECTOR, DEPARTMENT SCIENCE AND TECHNOLOGY, GOVERNMENT OF JHARKHAND, NEPAL HOUSE DORANDA, P.O. & P.S. DORANDA, DISTRICT- RANCHI
3. PRINCIPAL SECRETARY, HUMAN RESOURCE DEVELOPMENT DEPARTMENT, PROJECT BUILDING, DHURWA P.O., P.S. DHURWA DISTRICT- RANCHI
4. DIRECTOR, HIGHER EDUCATION, DEPARTMENT OF HRD, GOVERNMENT OF JHARKHAND, DHURWA, P.O. & P.S. DHURWA DISTRICT- RANCHI
5. KOLHAN UNIVERSITY, A UNIVERSITY ESTABLISHED AND INCORPORATED UNDER SECTION 3 OF THE JHARKHAND STATE UNIVERSITIES ACT, 2000 HAVING ITS OFFICE AT TATA COLLEGE CHAIBASA CAMPUS, P.O. & P.S. CHAIBASA, DISTRICT SINGHBHUM (WEST), THROUGH ITS REGISTRAR
6. VICE CHANCELLOR, KOLHAN UNIVERSITY, HAVING ITS OFFICE AT TATA COLLEGE CHAIBASA CAMPUS, P.O. AND P.S. CHAIBASA, DISTRICT SINGHBHUM (WEST)
7. REGISTRAR KOLHAN UNIVERSITY, HAVING ITS OFFICE AT TATA COLLEGE CHAIBASA CAMPUS, P.O. AND P.S. CHAIBASA, DISTRICT SINGHBHUM (WEST)

..... ... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

| | |
|--------------------|-----------------------------|
| FOR THE PETITIONER | : MR. A.K. MEHTA, ADV |
| FOR THE UNIVERSITY | : MR. SANJAY PIPRAWALL, ADV |

2/ Dated: 12th January, 2016

Per SHREE CHANDRASHEKHAR, J.

Seeking a direction upon the respondents to implement the judgment of the Hon'ble Supreme Court holding primacy of the All India Council for Technical Education Act, 1987 and to implement instructions contained in letter dated 14.09.2012, the present writ petition has been filed.

2. The petitioner, a society registered under the Societies Registration Act, 1860, is engaged in providing quality technical education through colleges established by it. Two such colleges established by the petitioner-Society namely, Netaji Subhas Institute of Business Management and Netaji Subhash Institute of Education are situated in the State of Jharkhand. Both the colleges were established after taking prior approval of the AICTE and NCTE and in subsequent years also, AICTE and the NCTE have granted extension for approval.

3. Mr. A.K. Mehta, the learned counsel for the petitioner submits that in view of judgment in *“Jaya Gokul Educational Trust Vs. The Commissioner and Secretary to Government Higher Education Deptt., Thiruananthapuram, Kerala State & Anr.”*, (2000) 5 SCC 231 and other judgments on the subject, the State Government cannot insist upon granting affiliation for one year only. The further grievance of the petitioner is that the process for grant of affiliation by the University and the State Government is time consuming and it puts the institutes under undue harassment.

4. From a perusal of the writ petition, it is apparent that the AICTE has granted approval and extension for approval to the petitioner's institutes for each academic session separately. It is also a matter of record that the institutes established by the petitioner have submitted application for grant of affiliation for each academic session and the institutes have accepted the order granting affiliation for one academic session. None of the orders by which affiliation for a particular academic session was granted, has been challenged by the institutes. Considering the aforesaid facts, the plea raised on behalf of the petitioner that grant of affiliation for one academic session is in the teeth of judgment of the Hon'ble Supreme Court in *"Jaya Gokul Educational Trust Vs. The Commissioner and Secretary to Government Higher Education Deptt., Thiruananthapuram, Kerala State & Anr."*, (2000) 5 SCC 231 and *"State of T.N. & Anr. Vs. Adhiyaman Educational & Research Institute & Ors."*, (1995) 4 SCC 104 cannot be adjudicated. Insofar as, prayer seeking a direction upon the respondents to implement instructions contained in letter dated 14.09.2012 is concerned, the same also cannot be granted. The institutes have not impugned the order granting affiliation on the ground that it has been issued contrary to instructions contained in letter dated 14.09.2012.

5. Considering the aforesaid facts, I am not inclined to interfere in the matter and accordingly, the writ petition is dismissed. However, the petitioner's institutes if aggrieved by the

order of affiliation, may challenge the same in an appropriate proceeding in which the petitioner's institutes may raise the plea raised in the present proceeding.

(Shree Chandrashekhar, J.)

R.K.