



GOVERNOR'S SECRETARIAT, BIHAR
RAJ BHAVAN, PATNA-800022

Letter No.-BSU(HC)-15/2018-...../GS(I), Dated-.....

From,

P.C. Choudhary
Officer on Special Duty (Judl.)

To,

Vice-Chancellors
All Universities of Bihar.

Sub.- Important Judicial Pronouncements in CWJC No.-10534/2017 regarding fixation of B.Ed. Course fee Rs. One Lakh fifty thousand.

Sir,

Please find enclosed herewith copy of Judgement and Orders in Civil Writ Jurisdiction Case No.-10534/2017 pronounced by the Hon'ble Patna High Court, Patna for further necessary action for compliance of the aforesaid order.

Yours faithfully,

Sd/-

Officer on Special Duty (Judl.)

Memo No.-BSU(HC)-15/2018-²⁰¹⁹...../GS(I), Dated-³⁰⁻⁰⁷⁻²⁰¹⁸.....

Copy forwarded to Shri R. K. Giri, Learned Advocate / Shri Bijay Kumar, Tech. Director, Raj Bhavan, Patna with request to upload on the Website of Raj Bhavan / Guard File for information and necessary action.


Officer on Special Duty (Judl.)

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10534 of 2017

1. Secretary, Prakash B. Ed. Teachers Training College. Chetan, Chhapra Baniyapur, P.S.- Baniyapur, District- Saran at Chhapra.
2. Ramnath Singh, aged about 58 years, S/o Late Rameshwar Singh, Secretary, Prakash B. Ed. Teachers Training College, Chetan, Chhapra Baniyapur, P.S.- Baniyapur, District- Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. J.P. University, Chhapra through its Registrar, J.P. University, At+ P.S. and District- Chhapra.
3. The Vice- Chancellor, J.P. University, Chhapra.
4. Finance Officer, J.P. University, At+ P.S. and District- Chhapra.
5. The Chairman, University Grant Commission, Bahadur Sah Zafar Marg, New Delhi.
6. The Union of India, through Secretary of Human Resources Development Department Govt. of Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12496 of 2017

1. Association Of Teachers Training College , Bihar registered Office NH 28, Silorh , Near Marwan Chowk, P.S.- Marwan, Distt.- Muzaffarpur through its President Dr. Uma Shankar Roy.
2. Dr. Uma Shankar Roy son of late Deo Narayan Roy Resident of 504, Angad Apartment, New Patliputra Colony, G.D. Mishra Patha, P.S.- Patliputra , District- Patna, Present President . Association of Teachers Training College, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Joint Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Higher Education, Department of Education, Government of Bihar, Patna.
5. National Council of Teacher Education through its Member Secretary Hans Bhawan, Bahadur Sah Jafar Marg, New Delhi.
6. The Regional Director, Eastern Regional Committee, NCTE, Bhuwaneshwar , Orissa.
7. The Vice Chancellor, Tilka Manjhi University, Bhagalpur through its Registrar.
8. The Vice Chancellor, Bhim Rao Ambedkar Bihar University, Muzaffarpur through its Registrar.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 10534 of 2017)

For the Petitioner/s	Mr. Rajendra Prasad Singh, Sr. Adv Mr. Arun Kumar Mr. Manoj Kumar Singh Mr. Rajeev Kumar Singh Mr. Mukesh Kumar Singh
For the State	Mrs Shilpa Singh-GA-12
For the Chancellor	Mr. Rajendra Kumar Giri
For the UOI	Mr. S.D.Sanjay, Addl. Sol Gen
For the UGC	Mr. Deepak Kumar
For the University	Mr. Nagendra Kumar Singh
For the NCTE	Mr. Sunil Kumar Singh
(In Civil Writ Jurisdiction Case No. 12496 of 2017)	
For the Petitioner/s	Mr. P.K.Shahi, Sr. Advocate Mr. Manoj Kumar Singh
For the Union of India	Mr. S.D.Sanjay, Addl. Sol. Gen Mr. Deepak Kumar Mrs Piya Gupta
For the State	Mr. A.R. Pandey, AAG 15
For NCTE	Mr. Sunil Kumar Singh
For the University	Mr. Sandeep Kumar
For TMU	Mr Ashhar Mustafa

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

24 20-06-2018

The issue involved in the present writ applications is with respect to fixation of course fee which can be reasonably charged by the privately managed unaided teachers training institutions offering B.Ed. Course. The State Government had fixed the course fee at the rate of Rs. 50,000/- *per annum* per student. The B.Ed. Decree is a two-year course and accordingly, course fee for the said B.Ed Course was fixed by the State Government at Rs. 1,00,000/-. The fixation had been put to challenge on various grounds by these petitioners as, according to them, the fixation was on much lower side and with such



course fee, the institutions imparting B.Ed. Courses could not meet the requirements laid down by the National Council for Teacher Education(NCTE). These writ applications were earlier allowed by a judgment and order of this Court dated 09.11.2017, which would speak for itself.

2. In terms of the said judgment and order, a Committee was required to be constituted by the University Grants Commission under the relevant statutory provisions. Subsequently, it was noticed that the University Grants Commission (Regulation of Admission and Fees in Private Non-aided) Professional Institutions) Regulations, 1997, in the light of which the said judgment and order was passed, had already been repealed by subsequent decision of the University Grants Commission by 'Interim Policy Regulations, 2003', dated 10.06.2003, framed in exercise of powers conferred under Clause (i) of sub-Section (1) of Section 26 read with sub-Section (2) of Section 12-A of the University Grants Commission Act, 1956. Since the judgment and order, dated 09.11.2017, was passed in ignorance of the fact that the said 1997 Regulations stood repealed, on an application seeking review, made by the University Grants Commission, this Court had recalled the said order by order, dated 13.03.2018, passed in Civil Review No. 34



of 2018.

3. In view of recall of the said judgment and order, the present writ applications have been re-heard on merits. The effect of repeal of 1997 Regulations, with the coming into force of Interim Policy Regulations, 2003, has been taken note of in the order of this Court, dated 09.04.2018, which reads thus:-

“A counter affidavit has been filed on behalf of the University Grants Commission, through which, Interim Policy Regulations, dated 10.06.2003, framed in exercise of powers conferred under Clause (i) of sub-section (1) of Section 26 read with sub-section (2) of Section 12-A of the University Grants Commission Act, 1956, has been brought on record. The guidelines are said to have been issued in the light of the Supreme Court’s decision, in the case of **T. M. A. Pai Foundation v. The State of Karnataka and Others**, dated 31.10.2002.

It is disgusting to find from the said so-called ‘Interim Policy Regulations’, said to have been issued in exercise of statutory power that it discloses nothing, but vagueness in the matter of fixing of norms and guidelines for charging tuition and other fees.



This is to be kept in mind that under the impression that the University Grants Commission (Regulation of Admission and Fees in Private Non-aided Professional Institutions) Regulations, 1997, was in vogue, a judgment was delivered on 09.11.2017, which came to be subsequently recalled after filing of civil review application, being Civil Review No. 34 of 2018, by the University Grants Commission, in which a clear stand was taken that the said 1997 Regulations were not in operation after having been replaced by the present Interim Policy Regulations.

It is evident from the statement of background in the 2003 Interim Policy Regulations that the University Grants Commission, in 2003, was considering revision of University Grants Commission Regulations in respect of fees and admissions. But till new Regulations were framed, it was decided to supersede all existing provisions by the Interim Policy Regulations. There is nothing in the Interim Policy Regulations, which can be said to be 'provision' for fixing of fees etc. to be charged by the unaided colleges imparting B. Ed. Education. Since the



