



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

NOTIFICATION

Letter No.-BSU (Regulation)-16/2015 Part-1)- 944 /GS(I), dated-18-03-2019

The Hon'ble Chancellor after due consideration of the matter contained in letter No.-BSU (Regulation)-16/2015 Part-1)-777/GS(I), dated-05-03-2019 has been pleased to direct that no minority institution can legally adopt an independent admission process, in parallel with the CET. In case, students are illegally admitted by institutions against the aforesaid policy, the University concerned will not be under obligation to conduct the examination and publish result of such students for B.Ed courses. It would also be pertinent to add that such errant institutions may run the risk of disaffiliation, if they continue to violate the statutory requirements. In a similar situation, Hon'ble High Court, Allahabad in writ- C No. 24853/2016 awarded three lakhs compensation to each student to be paid by the delinquent institutions.

It is significant to state that Hon'ble Apex Court in the case of **P.A. Inamdar Vs. State of Maharashtra 2005 (6) SCC 357** clarified the principle of law enumerated in **T.M.A. Pai Foundation case**, para-136 reads as follows:-

“Holding of such common entrance test followed by centralized counselling or, in other words, single window system regarding admissions does not cause any dent in the right of minority unaided educational institutions to admit students of their choice. Such choice can be exercised from out of list of successful candidates prepared at the CET without altering the order of merit inter se of the students so chosen.”

However, to maintain the minority status, the minority aided and unaided institutions are permitted to undertake admission of candidates out of merit list prepared at the CET without altering the order of merit inter se of the students so chosen to fill up 50% of the seats by the minority candidates to which the institutions belongs. Rest vacant seats shall be filled by the successful students provided by the Counselling University.

Please comply the aforesaid notification.

By the order of Hon'ble Chancellor

PCC Chaudhary
(P.C. Chaudhary) 18/3/2019

Officer on Spl. Duty (Judl.)

Letter No.-BSU (Regulation)-16/2015 Part-1)- 944 /GS(I), dated- 18-03-2019

Copy forwarded to the All Vice Chancellors, Universities of Bihar, (Except R.A.U., Pusa, B.A.U., Sabour, B.A.S.U., Patna)/All Principals/Secretary/ Director, Minorities Educational Colleges/Institutions, Bihar involved in running B.Ed. courses/ Vice Chancellor, Nalanda Open University, Bihar, Patna for information and necessary action.

PCC Chaudhary
Officer on Spl. Duty (Judl.) 18/3/2019

Memo No.-BSU (Regulation)-16/2015 (Part-1)- 944/GS(I),

Dated-18-03-2019

Copy forwarded to Technical Director, NIC-cum- Incharge Computer Cell, Raj Bhavan, Patna for uploading on the website of Raj Bhavan/Guard file.

PCC Chandra
18/3/2019
Officer on Special Duty(Judl.)



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

Letter No.-BSU (Regulation)-16/2015 Part-1)- 777 /GS(I), Dated- 05-03-2019

From,

P.C. Chaudhary
Officer on Spl. Duty(Judl.)
Raj Bhavan, Patna

To,

1. Dr. Sister M. Rashmi, A.C.
Principal,
Patna Women's College,
Bailey Road, Patna
2. Prof. (Dr.) Thomas Varghese S.J.
Principal,
St. Xavier's College of Education, (Autonomous)
Digha Ghat, Patna-11

Ref. No.- Auto 25/19 dated 11-02-2019 of the Patna Women's College, Patna and
No. SXCE/119/2019 dated 21-01-2019 of St. Xavier's College of
Education, Digha Ghat, Patna

Sub:- Regarding adoption of own process of selection and admission of students
into B.Ed courses during academic session 2019-20.

Sir,

In response to your letter referred above, I am directed to communicate to you that your encaptioned letter appears to be a desperate attempt to circumvent the duly promulgated statute for CET in B.Ed courses, applicable to all minority colleges (both constituent and affiliated), which has been tested and affirmed by the Hon'ble High Court, Patna. In spite of the same, seeking permission for having an independent process for selection and admission of students in B.Ed courses for the academic session 2019-20 tantamount to undermining the authority of law.

In the matter of Modern Dental College Research Centre and others vs State of MP and others reported in **(2016) 7 SCC 353** and Division Bench decision in case of Mirza Ghalib T.T. College vs State of Bihar reported in **2017 (1 PLJR 257)**, the Hon'ble Court has emphasized the need of a Common Entrance Test for admission to privately aided or un-aided colleges (both minority institutions and non-minority institutions) and has further held that the merit should be criteria for admission and there was no illegality in having a centralized process of selection for admission to all colleges.

Reference may also be made to Article 29 (2) of the Constitution of India which reads thus:-

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

The Hon'ble High Court, Patna in CWJC No. 13298/2018 has held that "*the fundamental rights of the minority institutions to undertake admission of the candidates of its own choice is intact, subject to condition that such admission shall be allowed only on the basis of Combined Entrance Test.*"

In view of the above, no minority institution can legally adopt an independent admission process, in parallel with the CET. In case, students are illegally admitted by institutions against the aforesaid policy, the University concerned will not be under obligation to conduct the examination and publish result of such students for B.Ed courses. It would also be pertinent to add that such errant institutions may run the risk of disaffiliation, if they continue to violate the statutory requirements. In a similar situation, Hon'ble High Court, Allahabad in writ- C No. 24853/2016 awarded three lakhs compensation to each student to be paid by the delinquent institutions.

It is significant to state that Hon'ble Apex Court in the case of **P.A. Inamdar Vs. State of Maharashtra 2005 (6) SCC 357** clarified the principle of law enumerated in **T.M.A. Pai Foundation case**, para-136 reads as follows:-

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However, to maintain the minority status, the minority aided and unaided institutions are permitted to undertake admission of candidates out of merit list prepared at the CET without altering the order of merit inter se of the students so chosen to fill up 50% of the seats by the minority candidates to which the institutions belongs. Rest vacant seats shall be filled by the successful students provided by the Counselling University.

Yours faithfully,

P.C. Chaudhary
(P.C. Chaudhary)

Officer on Spl. Duty(Judl.)

O/C