

PETITIONER:
MANAGING COMMITTEE OF BHAGWAN BUDH PRIMARYTEACHERS TRAINING

Vs.

RESPONDENT:
STATE OF BIHAR AND ORS.

DATE OF JUDGMENT06/11/1989

BENCH:
KANIA, M.H.
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KANIA, M.H.
KULDIP SINGH (J)

CITATION:
1989 SCR Supl. (2) 23 1990 SCC Supl. 722
JT 1989 Supl. 308 1989 SCALE (2)1096

ACT:
Educational Institutions: Education Act: Application for recognition of educational institution--Necessity for early disposal by Government-Emphasised.

HEADNOTE:

The petitioners in the special leave petition started, without recognition, a teachers training college in Bihar, and later applied for permission to allow its students to appear at the examination on the ground that the question of its recognition had not been decided by the Government. The petitioners failed to get the desired relief from the High Court.

Dismissing the special leave petition, this Court,

HELD: (1) A number of mushroom institutions have sprung up in the State of Bihar without getting any recognition and thereafter have tried to get the permission from courts that its students be allowed to appear at the examination on grounds of sympathy. [24G]

(2) It is not possible to grant any such permission as prayed for because the granting of such permission would be clearly violating the provisions of the Education Act. [25B]

S.L.P. No. 12014 of 1987 decided on November 25, 1987 A.P. Christians Medical Educational Society v. Government of A.P. & Anr., [1986] 2 SCC 667, referred to.

(3) The application for recognition in this case was made by the petitioners as early as 1986 and that application has not still been disposed of. The same should be disposed of within 4 weeks from today. [25F]

(4) The concerned department of the Government of Bihar, should see to it that applications for recognition of educational institutions are decided promptly and where such an application is without

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merit, the Government should promptly reject, the same and take steps to see to it that the rejection is brought to the attention of the students of the institution concerned so that they may not waste further time and money by undergoing training in that institution. [25C]

(5) The failure of the Government to take such action would only reflect callous indifference to the interests of the young students to whom the Government certainly owes

certain responsibilities. [25D]

(6) The State should consider taking such steps, Criminal or Civil, as open to it in law, to stop such institutions and those who run them from misleading students and deceiving them. [25E]

(7) The State Government of Bihar shall get published advertisements in at least three newspapers in that State with wide circulation warning students not to take admission in any educational institution which has not got recognition and making it clear that if they do so, they would be doing so at their own risk. [25G]

JUDGMENT:

CIVIL APPELLATE JURISDICTION: Special Leave Petition (Civil) No. 10326 of 1989.

From the Judgment and Order dated 1.8.1989 of the Patna High Court in C.W.J.C. No. 5768 of 1989.

R.K. Jain, R. Sharma, R.P. Sharma and Ms. Sangeeta Tripathi for the Petitioners.

The Judgment of the Court was delivered by

KANIA, J. This is one more case of an educational institution started in the State of Bihar without recognition applying for permission to allow the students, whom it has admitted and, from whom it has presumably recovered substantial fees, to be allowed to appear at the ensuing examination on the ground that the question of its recognition has not been decided by the Government. It appears from the judgment of the High Court that a number of similar mushroom institutions have sprung up in the State of Bihar without prior recognition, have admitted students, received fees from them and allowed them to undergo training for a substantial period of time without getting any recognition and thereafter tried to get permission from the Court for their students to be allowed to appear at the examination on grounds of sympathy. This impression has been gathered from a

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number of similar applications made to this Court in the last few months.

It is not possible to grant any such permission as prayed for because the granting of such permission would be clearly violating the provisions of the Education Act (See the judgments in S.L.P. No. 120 14 of 1987 decided on November 25, 1987 and the A.P. Christians Medical Educational Society v. Government of A.P. & Anr., AIR 1986 SC 1490: [1986] 2 SCC 667. What is however, unfortunate is that applications made by various educational institutions to the Government for recognition are not promptly disposed of. In fact, we are of the view that the concerned department of the Government of Bihar should see to it that applications for recognition of educational institutions are decided promptly and where such an application is without merit, the Government should promptly reject the same and take steps to see to it that the rejection is brought to the attention of the students of the institution concerned so that they may not waste further time and money by undergoing training in that institution. The failure of the Government to take such action would only reflect callous indifference to the interests of the young students to whom the Government certainly owes certain responsibilities. We also feel that the State Government should issue advertisement through newspapers and other possible channels, if any, to ensure that students do not get misled by such unrecognised institutions into wast-

ing their precious time and money in undergoing training which will be of no avail to them. We find that there appears to be a large number of students in the State who are misled by such institutions. In fact, the State should consider taking such steps, criminal or civil, as open to it in law to stop such institutions and those who run them from misleading students and deceiving them.

We are informed that in the present case, the application for recognition was made by the petitioners and as early as 1986 that application has not still been disposed of. We direct that, if this so, the application should be disposed of within 4 weeks from today.

In these circumstances, we direct the State Government of Bihar to get published advertisements in at least three newspapers in that State with wide circulation warning students not to take admission in any educational institution which has not got recognition and making it clear that if they do so, they would be doing so at their own risk. The advertisements to be issued within three weeks from the date of receipt of this order by the department concerned. We direct that the

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copies of this order be sent forthwith to the Chief Minister of Bihar, the Minister in-charge of the Education Department and the Secretary of that department.

Special leave petition is dismissed with these observations. In case the application of the petitioners for recognition is granted, the Government will consider the granting of appropriate relief to the students in respect of the years for which the recognition is concerned.

R.S.S.

Petition dismissed.

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