

Managing Committee of Bhagwan Budhprimary Teachers Training College and Another

Vs

State of Bihar and Others

Special Leave Petition (Civil) No. 10326 of 1989

(M. M. Kania, Kuldip Singh JJ)

06.11.1989

JUDGMENT

KANIA, J.-

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

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 (see the judgments in S. L. P. No. 12014 of 1987 decided on November 25, 1987 and the A. P. Christians Medical Educational Society v. Government of A. P.). 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 who the government certainly owes certain responsibilities. We also feel that the State Government should issue advertisements through newspapers and other possible channels, if any, to ensure that students do not get misled by such unrecognised institutions into wasting 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 are open to it in law to stop such institutions and those who run them from misleading students and deceiving them.

3. 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

is so, the application should be disposed of within four weeks from today.

4. 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 are to be issued within three weeks from the date of receipt of this order by the department concerned. We direct that the 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.

5. 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.

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