

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13533 of 2017

Patel College Of Education, Jehanabad, Village- Patel Nagar, District- Jehanabad through its Secretary Anil Kumar Singh, aged about 58 years, Son of Dev Charan Singh, resident of Mohalla- Patel Nagar, P.O.+ P.S.+ District- Jehanabad.

... .. Petitioner/s

Versus

1. National Council For Teacher Education, Hans Bhawan, Wing- II, Bahadur Sah Zafar Marg, New Delhi- 110001 through its Member Secretary.
2. The Member Secretary, National Council For Teacher Education, Hans Bhawan, Wing- II, Bahadur Sah Zafar Marg, New Delhi- 110001.
3. National Council For Teacher Education, Eastern Regional Committee, 15 Neelakantha Nagar, Nayapalli, Bhubaneshwar (Odisha) 751012, through its Regional Director.
4. The Regional Director, National Council For Teacher Education, Eastern Regional Committee, 15 Neelakantha Nagar, Nayapalli, Bhubaneshwar (Odisha) 751012,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Sunil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-11-2017 Heard learned counsel for the parties.

2. An order, dated 13.04.2017 passed by the Eastern Regional Committee of the National Council for Teacher Education (hereinafter referred to as the NCTE), whereby it has been communicated to the petitioner-institution that in the light of the decision taken in 237th meeting of the Committee, refuse the petitioner's application regarding recognition for additional intake of students in Bachelor of Education course has been refused. The petitioner- institution had preferred an appeal,



which too, has been rejected by order, dated 21.08.2017, which is also under challenge.

3. From the impugned order, it is evident that the decision to refuse recognition of additional intake in B.Ed Programme for the said College has been rejected in the light of NCTE Head Quarter Letter No. 49-1/2016/NCTE/N & S/47149, dated 08.12.2016, which contemplates that a stand-alone institution shall not be granted recognition for enhancement of intake, more than 100, i.e., two basic units, in the B.Ed Course. For the same reason, the petitioner's appeal has been rejected.

4. Learned counsel appearing on behalf of the petitioner has submitted that the decision of the NCTE Head Quarter not to grant recognition for additional intake as contained in letter dated 08.12.2016 is contrary to the provisions under National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014. He has submitted that the said Regulation does not provide for any bar for grant of recognition of additional intake for stand alone institution.

5. It appears from the impugned order that it is the decision of the NCTE not to grant recognition for additional intake more than 100 seats, i.e., two units with 50 seats each in stand alone or single institution. This appears to be policy



decision of the NCTE which has been followed by the impugned order passed by the Eastern Regional Committee and subsequent appellate order. On perusal of the Regulations, I find that it is the legislative intent to encourage composite institutions which is evident from Regulation 8(1) of the said Regulations, though it is with reference to New Teacher's Educational Institution. It provides that New Teacher Educational Institution shall be located in composite institution and “ existing Teacher Educational Institution shall continue to function as stand alone institution and gradually moved towards becoming composite institution”. (emphasis added)

6. It is possible in this background that in furtherance of the objectives of the said 2014 Regulations, the NCTE has taken a policy decision not to grant recognition for additional seats beyond 100 seats in a single or as stand-alone institutions. The impugned decision being based on policy decision of the NCTE, which is to be uniformly applied throughout the country, does not warrant interference by this Court.

7. I do not consider it to be a fit case for interference.

8. Learned counsel for the petitioner has submitted that the said policy decision of the NCTE could not have been applied in the case of the petitioner's institution since on the date of



application, the said circular was not issued. The submission has no force at all, in view of the clear policy decision which is in consonance with the provisions as contained in 2014 Regulations. In my view, the said policy decision has been rightly applied by the respondents while passing the impugned order.

9. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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