

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6862 of 2017

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1. R. S. Sharda Devi Education College, Village- Nenaha, Mahua Road, Hajipur Vaishali through the Secretary, Dr. Sujata Anand, Wife of Shree Raj Rajnish Anand, resident of Anand Villa, Buddh Marg, P.S.- Kotwali, District- Patna- 800001.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resources Development, Shastri Bhawan, New Delhi- 110001.
2. Eastern Regional Committee, National Council for Teacher Education(NCTE), 15 Neelkanth Nagar, Nayapalli, Bhubaneswar (Odisha) through its Regional Director.
3. Regional Director, National Council for Teacher Education (NCTE), Eastern Regional Committee, 15 Neelkanth Nagar, Nayapalli, Bhubaneswar (Odisha).
4. National Council for Teacher Education (Headquarter), Wing-II, Hans Bhawan, 1, Bahadur Sah Zafar Marg, New Delhi- 110002. null null

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
	:	Mr. Sunil Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 15-05-2017 Heard learned counsel for the parties.

The petitioner is aggrieved by the orders, dated 16.03.2017, issued under the signature of the Regional Director, National Council for Teacher Education (NCTE), Eastern Regional Committee, whereby application filed on behalf of the petitioner for grant of recognition for B.Ed. and D.El.Ed. Course to the petitioner's institution has been refused.

It is the plea of the petitioner that on the first day



of 234th meeting held on 27.02.2017, the Eastern Regional Committee had considered the petitioner's case for grant of recognition and decided the application favourably. The decision of the Committee taken on the first day was confirmed on the next day in the meeting of the Eastern Regional Committee. It is the petitioner's case that on third day of the said 234th meeting held on 10.03.2017, the Committee, reviewing its earlier decision decided to reject the petitioner's application for grant of recognition for both the courses, which decision has been conveyed to the petitioner by the impugned orders, dated 16.03.2017, which have been brought on record by way of Annexures 1 and 1/1 to the present writ application.

This is not in dispute that under Section 18 of the National Council for Teacher Education Act, 1993, there is provision for appeal against the order, which is being assailed in the present case. The petitioner has preferred appeal in March, 2017 against the said orders, dated 16.03.2017.

Learned counsel for the petitioner has submitted that availability of remedy of appeal or pendency of appeal preferred against the impugned orders, dated 16.03.2017, may not stop this Court from exercise of power under writ jurisdiction, under Article 226 of the Constitution of India. He has submitted that considering the urgency of the matter,



since the College will be losing the present session also if no decision is taken on the appeal preferred by the institution, and the institution will suffer irreparable loss, this Court should adjudicate upon the controversy involved.

I do not consider it appropriate to entertain this application, in the facts and circumstances of the present case, there being provision for appeal, which is being availed by the petitioner. At the same time, I am satisfied that the said appeal needs to be decided expeditiously by the appellate authority, viz, the National Council for Teacher Education, Head Quarters, New Delhi.

This application is, accordingly, disposed of with a direction to the Member Secretary, National Council for Teacher Education, Head Quarters, New Delhi, to ensure that the petitioner's Appeal 'Id No. APPL10438' filed on 23.03.2017 against the orders dated 16.03.2017, is expedited and is disposed of as early as possible and in no case later than one month from the date of receipt/production of a copy of this order.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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