

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8185 of 2017

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1. S. R. P. Teachers Training College, Reyan Nagar, Reyan Nagar, Vill-Madhopara, P.O. + P.S.+Distt.-Purnea, PIN-854301, through the Secretary A.G.M. Education Trust Birendra Kr. Sharma

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Human Resources Development, Govt. of Bihar, Patna.
2. The National Council for Teacher Education, Hans Bhawan, Wing-11, Bahaur Shah Zafar Marg, New Delhi through its Member Secretary.
3. The Director, National Council for Teachers Education, Eastern Regional Committee, 15, Neel Kantha Nagar, Naya Patti, Bhubaneshwar, 751012.
4. The Vice Chancellor, B.N. Mandal University, Madhepura, Bihar.
5. The Registrar, B.N. Mandal University Madhepura, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi
With Mr. Suresh Mishra

For the Respondent/s : Mr. Kameshwar Kumar-GP-17

For NCTE : Mr. Sunil Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL JUDGMENT & ORDER

5 16-08-2017 Heard learned counsel for the parties.

2. The S.R.P. Teachers Training College is said to be a Teachers' Educational Institution (hereinafter referred to as the T.E.I). This writ application has been filed on behalf of the Secretary of the said T.E.I. The petitioner is aggrieved by an order, dated 19.10.2016 passed by the Regional Director, National Council for Teacher Education, Eastern Regional Committee-15, Bhubneshwar (hereinafter referred to as the NCTE), whereby the application for grant of recognition in B.Ed. Programme has been refused. The



petitioner's statutory appeal also came to be rejected by an order, dated 18.04.2017, issued under the signature of the Member Secretary, NCTE. The appellate order, dated 18.04.2017, is also under challenge.

3. From paragraph 4(b) of the impugned original order, I notice that certain deficiencies had been pointed out, which the T.E.I. did not fulfill, which were essential for the purpose of grant of recognition. It is the case of the petitioner that before passing of the order, dated 19.10.2016, the petitioner had submitted all the documents, which would have met the deficiencies pointed out in the impugned order, dated 19.10.2016. It is the grievance of the petitioner that the documents submitted prior to passing of the impugned order, dated 19.10.2016 have not been taken into account.

4. From the appellate order, I find that the documents, which the petitioner is said to have submitted to satisfy the requirements/deficiencies pointed out in paragraph 4(b) of the original order are not there on record.

5. Mr. Siya Ram Shahi, learned counsel appearing on behalf of the petitioner has submitted that the said documents were sent through Courier and registered post both, to the Regional Committee of NCTE.

6. Mr. Sunil Kumar Singh, learned counsel for the NCTE, has drawn my attention to the impugned order passed



by the appellate authority, dated 18.04.2017, to submit that as on the date of the application, the institution was not found to be fulfilling the requirements of possession of land, free from all encumbrances either on ownership basis or on lease from Government of not less than 30 years.

7. Be that as it may, at this stage, the Court cannot record a finding that the documents, which the petitioner had submitted prior to passing of the order by the original authority were available for the Council for consideration. If it is the case of the petitioner that the institution fulfills all eligibility requirements for the grant of recognition, the institution shall make an application afresh for grant of recognition, whereafter the authorities shall consider and pass appropriate orders without being influenced by previous orders, which are impugned in the present application. If such application is filed within one month from today, the Court expects that the NCTE to take decision within a period of three months thereafter.

8. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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