

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6586 of 2017

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1. J. P. Memorial Trust Through Its Secretary Shailesh Kumar Son of Late Jugeshwar Prasad, Resident of Mohalla-Prabhat Colony Chas (Bokaro), P.O. & P.S.-Chas, District-Bokaro (Jharkhand)

.... Petitioner/s

Versus

1. The National Council of Teachers Education, Eastern Regional Centre through its Regional Director, 15, Neelkanth Nagar Nayapalli, Bhubaneswar (Orissa)
2. The Regional Director of the National Council of Teachers Education, Eastern Region, Bhubaneswar (Orissa)
3. The National Council of Teachers Education, Hans Bhawan, Wing-2-I, Bahadur Sah Jafar Marg New Delhi through its Chairman.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Respondent/s : Mr. Shri Nath Pathak

Mr. Kumar Brijnandan, Acvocate

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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 an order, dated 27.01.2017, passed by the Regional Director of the National Council for Teacher Education, Eastern Regional Committee, Bhubneshwar, whereby his application for extension of one unit (50 seats) for D.El.Ed. Course has been rejected on the ground of lapse of session. The petitioner has also sought for a direction to reconsider the petitioner's case for grant of recognition of the said D.El.Ed. Course for two units (50 seats each).

From the materials on record, it appears that the



petitioner had earlier approached the NCTE, ERC, Bhubneshwar for grant of recognition for 100 seats (two units) but recognition was granted only for 50 seats (one Unit). The petitioner had preferred appeal against the decision of the NCTE, ERC, Bhubneshwar for granting recognition of only 50 seats as against their claim for grant of recognition for 100 seats. The National Council for Teacher Education, Head Quarters, New Delhi, i.e., the appellate authority disposed of the petitioner's appeal, remanding the matter back to the NCTE, Eastern Regional Committee, Bhubneshwar to reconsider the petitioner's case for extension of one unit (50 seats) for D.El.Ed. Course in the College. The NCTE, ERC, Bhubneshwar by the impugned order has refused to grant extension on the grounds, *inter alia*, that the session has lapsed.

Against the impugned order, the petitioner has remedy of appeal under Section 18 of the NCTE Act.

Learned counsel for the petitioner has submitted that though the remedy of appeal is available, in the present facts and circumstances of the case, the said remedy is not efficacious as disposal of the appeal may consume time, which will lead to loss of another session for the institution.

There being statutory remedy of appeal available, I am not inclined to entertain this application on merits. I



consider it appropriate to dispose of the application with an observation and direction that if the petitioner prefers appeal against the impugned order within one week from today before the NCTE, Head Quarters, New Delhi, the said appeal must be disposed of within a period of one month thereafter. If any question of limitation arises in presenting the appeal on behalf of the petitioner, the NCTE, shall consider the aspect that the petitioner was pursuing his remedy before this Court and decide the petitioner's case on merits.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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