

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15466 of 2016

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Rattan Singh Yadav, Son of Mazu Ram, resident of Village Nangal Mundi, P.S.-Rewari, District-Rewari, State-Haryana, the Vice-Chairman, Managing Committee, K.D. College of Education, Parasiya, Dalsagar, District-Buxar, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner-cum-Secretary, Primary Secondary and Higher Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
4. The Veer Kunwar Singh University, Ara, through its Registrar.
5. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
6. The Registrar, Veer Kunwar Singh University, Ara.
7. The National Council for Teachers Education (N.C.T.E.), Hans Bhawan, Bahadur Shah Zafar Marg, New Delhi, through its Chairman.
8. The Chairman, N.C.T.E., Hans Bhawan, Bahadur Shah Zafar Marg, New Delhi.
9. The Regional Director, Eastern Regional Committee, N.C.T.E. Bhubneshwar, Orissa.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Harendra Pd. Singh, Sr. Adv. Mr. Kamlesh Pd. Yadav, Adv.
For the State	: Mr. Madhukar Mishra, AC to SC-16
For the University	: Mr. P.K. Verma, Sr. Adv. Mr. Kinkar Kumar, Adv.
For the NCTE	: Mr. Kumar Brijnandan, Adv.



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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 18-04-2017

The petitioner is Vice-Chairman of the Managing Committee of K.D. College of Education, Parasiya, Dalsagar, in the district of Buxar, Bihar. The said College runs B.Ed. course. He has put to challenge a letter, dated 12.08.2016, issued under the signature of Registrar, Veer Kunwar Singh University, Ara (*in short "University"*), whereby No Objection Certificate (*in short "NOC"*), earlier granted to the said College by the University, has been cancelled.

2. Heard the parties.

3. This is not in dispute that the College, in question, has been granted recognition under Section 14 of the National Council for Teacher Education Act, 1993 (*in short "Act"*), to run two-years B.Ed. Course. Subsequent to grant of recognition by the National Council for Teacher Education (*in short "NCTE"*), by an order, dated 31.05.2015, NOC was granted in favour of the said College by the University on 26.04.2016. It seems that the said NOC was issued after an inspection conducted by a Committee, constituted by the University.

4. The NOC, so granted by the University, on



26.04.2016, is sought to be recalled through the impugned communication, dated 12.08.2016, on the ground that NOC ought to have been taken by the College before applying for recognition by the NCTE under Section 14 of the Act. Since NOC, in the present case, was obtained by the College after grant of recognition by the NCTE, the University decided to cancel the NOC itself.

5. Learned senior counsel, Mr. Harendra Pd. Singh, appearing on behalf of the petitioner, has submitted that the University has no case that the College, in question, has adequate infrastructure, accommodation, library, qualified staff and laboratory etc. in order to fulfil the conditions for grant of recognition prescribed under Section 14 of the Act. The University also did not find any deficiency for the purpose of grant of NOC, after holding inspection of the College. He, accordingly, submits, on a hyper technical ground, that the said communication, dated 12.08.2016, has been issued by the University after grant of recognition by NCTE, the action impugned is unreasonable and requires interference by this Court.

6. Mr. P.K. Verma, learned senior counsel, appearing on behalf of the University, has drawn my attention to the Regulations framed by the NCTE in exercise of power of sub-Section (2) of Section 32 of the Act, Regulation 5(3) of which, requires that at the time of



submission of application for grant of recognition, documents including "*NOC issued by the concerned affiliating body*" is required to be made available to the NCTE. He submits that, admittedly, before the NCTE could have granted recognition, "NOC" was required to be issued by the University, which is the affiliating body and, therefore, there is no illegality in the communication under challenge and the decision of the University to cancel the said NOC.

7. From the materials available on the record, I find that the NCTE, after conducting inspection of the College, in question, has granted recognition. It is true that on the date when recognition was granted by the NCTE, NOC, issued by the University, was not available. In my view, however, that will not render the decision of the NCTE, granting recognition, illegal, though, the NCTE ought to have taken care of this aspect of the matter at the time of grant of recognition. Be that as it may, the fact remains that subsequently the University, without raising any objection over grant of recognition by the NCTE, issued NOC in favour of the College in question. The decision of the NCTE, read with the decision of the University, to issue NOC is sufficient indication that the College, in question, has been found to be fulfilling necessary requirements for grant of recognition and affiliation. A hyper technical approach in such circumstance,



in my view, is not required to be taken.

8. Learned counsel, Mr. Kumar Brijnandan, appearing on behalf of the NCTE, has drawn my attention to Section 14(6) of the Act, which requires affiliating body to grant affiliation, once recognition is granted by the NCTE under sub-Section (4) of Section 14 of the Act. Sub-Sections (4) and (6) of Section 14 of the Act are relevant and are being extracted hereinbelow:-

"14. Recognition of institutions offering course or training in teacher education. – (1) x

x x x x x x x x x x x x

(2) x x x x x x x x x x

(3) x x x x x x x x x x

(4) Every order granting or refusing recognition to an institution for a course or training in teacher education under sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the local authority or the State Government and the Central Government.

(5) x x x x x x x x x x

(6) Every examining body shall, on receipt of the order under sub-section (4),-



(a) grant affiliation to the institution, where recognition has been granted; or

(b) cancel the affiliation of the institution, where recognition has been refused.”

9. Sub-Section (6) of Section 14 of the Act is explicit in language and mandates that every examining body shall, on receipt of the order, under sub-Section (4), grant affiliation to the institution, where recognition has been granted. There being recognition, already granted by the NCTE, I do not find any reason why the University, in the present case, can have any scope to refuse affiliation, unless any fraud is detected.

10. Learned senior counsel, appearing on behalf of the University, has pointed out that while granting NOC, on 26.04.2016, the University had pointed out certain deficiencies to be removed by the College. Learned senior counsel, appearing on behalf of the petitioner, in view of the submission so made on behalf of the University, has submitted that the College shall take care of all those deficiencies and shall get those deficiencies removed, if not already removed, within a reasonable time, but that will not come in the way of the University in taking decision on the question of affiliation strictly in accordance with Section 14(6) of the Act.



11. This application is, accordingly, disposed of in the facts and circumstances of the case with a direction to the respondents, more particularly respondent Nos. 4 – 6, to take a final decision with respect to grant of affiliation to the College, in question, within a period of one (1) month from the date of receipt/production of a copy of this judgment.

12. Before I part with, I must observe that in future, the institutions, like the NCTE, should be cautious while considering the cases for grant of recognition and normally follow the statutory Regulations framed by themselves.

13. The impugned letter/communication, dated 12.08.2016, is, hereby, quashed. This application is, accordingly, allowed, with the direction and observation as above.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02/05/2017
Transmission Date	

