

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18757 of 2018

1. Mithila Teachers Training College, A.T. + P.O. Basuara, district-Madhubani through its Secretary.
2. Md. Ishteyaque Ahmad, Secretary, Mithila Teachers Training college, A.T. + P.O. Basaura, District-Madhubani.

... .. Petitioner/s

Versus

1. National Council For Teacher Education, Eastern Regional Committee, 15-Neelkanth Nagar, Nayapalli, Bhubneshwar, Oddisa, through its Regional Director.
2. The Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15-Neelkanth Nagar, Nayapalli, Bhubneshwar, Oddisa.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-09-2018 This writ application has been filed on behalf of Mithila Teachers Training College, Basuara in the district of Madhubani, through its Secretary, seeking quashing of letter dated 25.05.2016, whereby the National Council for Teacher Education(N.C.T.E.) has refused to grant recognition/permission for M.Ed. Additional course to the institution, in question, in terms of Section 15(3)(b) of the National Council for Teacher Education Act, 1993. The petitioner is also seeking a direction for granting recognition for M.Ed. additional course since, according to the petitioner, the institution fulfills all the requisite criteria for grant of recognition for the said course.



I have heard Mr. Jagannath Singh, learned counsel appearing on behalf of the petitioner and Mr. Sunil Kumar Singh, learned counsel representing the National Council for Teacher Education.

What is evident from the impugned order dated 25.05.2016, is that before refusal to grant recognition/permission, a show-cause notice was issued to the petitioner disclosing following grounds:-

(i). 'No Objection Certificate' issued from the affiliating body for M.Ed. additional course, was not submitted.

(ii). LOI issued from NAAC not submitted

The petitioner had submitted his reply in response to the said notice. The N.C.T.E., however, found the reply to be unsatisfactory and accordingly the Committee of the N.C.T.E. decided not to grant recognition/permission. This is an admitted fact that 'No Objection Certificate' of the affiliating body is a condition precedent for making an application for grant of recognition/permission, which was not available with the petitioner at the time of making application before the N.C.T.E.. After refusal by the N.C.T.E. with the issuance of the impugned order dated 25.05.2016, the petitioner approached this Court by filing a writ application which gave rise to CWJC No. 9539 of



2016, which came to be disposed of by judgment and order dated 03.10.2016, asking the University to take a decision within eight weeks. The affiliating University, it is the case of the petitioner, has granted necessary 'No Objection Certificate'. In the background of the above noted facts, it is the case of the petitioner that since the petitioner now fulfills the entire requisite conditions for grant of recognition/permission, the same should be granted by the N.C.T.E.

As has been noticed above, the N.C.T.E. has refused to grant permission or recognition in the absence of 'No Objection Certificate' of the affiliating University. This is also not in dispute that furnishing of 'No Objection Certificate' is a condition precedent for making an application. In the absence of 'No Objection Certificate', the decision of the N.C.T.E. to refuse the permission/recognition, cannot, therefore, be faulted with. The impugned order dated 25.05.2016, would, therefore, require no interference.

So far as the submissions made on behalf of the petitioner that his application for grant of recognition should be reconsidered by the N.C.T.E., after grant of 'No Objection Certificate' by the University, I am of the view that such direction, cannot be issued. The petitioner had filed his



application for recognition, which was rejected by the N.C.T.E. for the reasons mentioned therein. His application for recognition thus came to be disposed of. If the college has been granted 'No Objection Certificate' subsequently in the year 2018, it will be open to the petitioner to apply afresh before the N.C.T.E. for grant of recognition/permission, in accordance with law.

The Court only observes that if the petitioner makes such application, the N.C.T.E. shall consider the same and take a decision expeditiously well before commencement of the next academic session.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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