

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5032 of 2018

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Millat Teachers Training College, Madhubani, through its Secretary, Md. Aftab Alam, S/o Md. Quddus Ansari, Resident of Stadium Road, Madhubani, P.S.- Madhubani, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Governing of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Director Research and Training, Education Dept., Government of Bihar, Patna.
4. The Director, Higher Education Department, Government of Bihar, Patna.
5. Lalit Narayan Mithila University, Darbhanga through its Vice- Chancellor.
6. The Vice- Chancellor, Lalit Narayan Mithila University, Darbhanga.
7. The Registrar, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Adv. Mr. Vikas Kumar Mr. S. S. Sundaram
For the State	:	Mr. Narendra Kumar, AC to GP 20
For the University	:	Mr. ajay Behari Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-03-2018 The present writ application has been filed for issuance of a direction to Lalit Narayan Mithila University, Darbhanga, to grant affiliation for imparting education of M. Ed. Programme, on the ground that the institution has been granted recognition, under Section 14 of the National Council for Teacher Education Act, 1993, on 02.05.2017.

The petitioner has a grievance that instead of granting affiliation in accordance with the scheme of grant of affiliation, as contemplated under Section 14 (6) (a) of the National



Council for Teacher Education Act, 1993, the University has sent a letter to the Director (Higher Education), Government of Bihar, seeking approval for grant of affiliation.

Section 14 of the National Council for Teacher Education Act, 1993, reads thus:-

***“14. RECOGNITION OF INSTITUTIONS
OFFERING COURSE OR TRAINING IN
TEACHER EDUCATION***

(1) Every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations:

Provided that an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an application for recognition within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application by the Regional Committee from any institution under



sub-section (1), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall-

(a) if it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution, subject to such conditions as may be determined by regulations; or

(b) if it is of the opinion that such institution does not fulfil the requirements laid down in sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing:

Provided that before passing an order under sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation.

(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) Every institution, in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under clause (b) of sub-section (3).

(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.”

This Court had occasion to deal with the said provision, in the order, dated 19.12.2017, in the case of **St. Theresas Primary Teacher Education College, Bettiah v. The State of Bihar and Others (CWJC No. 5247 of 2017)** and other analogous case, wherein it has been laid down, in paragraph 8, as follows:-

“8. In view of what has already been held by this Court in case of **Surendra B.Ed. Teachers Training College** (supra), I have no hesitation in



recording that once recognition has been granted by the NCTE under Section 14(3) (a) of the Act and such grant of recognition is brought to the notice of the examining body, the examining Board has no other option but to grant affiliation till the effect of grant of recognition by the NCTE continues. The examining body has a very limited role in such matters and it can put certain conditions in relation to its own requirements alone as laid down in paragraph 71 of the Supreme Court's decision in case of **Maa Vaishno Devi Mahila Mahavidyalaya** (supra).”

Since, there is no dispute over the fact that the National Council for Teacher Education has granted recognition, under Section 14 of the National Council for Teacher Education Act, 1993, I dispose of the writ application with a direction to the University to act accordingly, strictly in accordance with the said statutory requirement and directions of this Court, in the case of **St. Theresas Primary Teacher Education College** (supra) within one month from the date of receipt/production of a copy of this order.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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