

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17569 of 2017

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Gorakh Singh College (B.Ed. Course), Maharganj, Siwan through its Secretary namely Abhay Kumar Singh, aged about 55 years, Son of Late Ram Binod Singh, Resident of Village- Sinhauta, Post Office- Bangra, Police Station- Maharajganj, District- Siwan (Bihar).

.... Petitioner/s

Versus

1. National Council For Teacher Education, Hans Bhawan, Wing-II, Bahadur Sah Zafar Marg, New Delhi- 110001, through its Member Secretary.
2. The Member Secretary, National Council for Teacher Education, Hans Bhawan, Wing-II, Bahadur Sah Zafar Marg, New Delhi- 110001.
3. National Council for Teacher Education, Eastern Regional Committee, 15 Neelakantha Nagar, Nayapalli, Bhubaneswar (Odisha) 751012, through its Regional Director.
4. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15 Neelakantha Nagar, Nayapalli, Bhubaneswar (Odisha) 751012.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent-NCTE : Mr. Sunil Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 23-01-2018



Counter affidavit is being filed on behalf of the National Council for Teacher Education (*in short 'the NCTE'*). Let it be kept on record.

2. Heard Mr. Arun Kumar, learned Counsel for the petitioner, and Mr. Sunil Kumar Singh, learned Counsel appearing on behalf of the NCTE.

3. The petitioner's online application for grant of recognition before the NCTE has been rejected by the impugned order, dated 13.04.2017, mainly on the ground that he failed to submit the hard copy of his application within fifteen days of his submission of the online application. The petitioner's appeal, preferred against the said order, has also been rejected by the appellate authority by an order, 16.10.2017. The said two orders are under challenge in the present writ application.

4. In similar circumstance, this Court, by an order, dated 05.01.2018, passed in C.W.J.C. No. 10533 of 2017 (***Satyanam Satguru B.Ed. College Vs. National Council for Teacher Education & Ors.***), had occasioned to consider similar issue raised. Paragraph 15, 16 and 17 of the said decision reads thus:-

"15. This is not in dispute that the online application was filed by the petitioner within time. The regulation requires submission of hard copy of the



application and land documents etc. within fifteen days from the date of online application. This is also not in dispute that the National Council for Teacher Education itself relaxed the said requirement by fixing 15.07.2016 as the last date for submission of hard copy for all institution irrespective of the respective dates of filing of their online application. This is evident that the said date of submission of hard copy was extended to 15.07.2016, in the background of the last date of submission of online application having been extended to 31.06.2016, under the orders of the Supreme Court.

16. Be that as it may, considering the facts and circumstances and the Division Bench decision rendered in the case of **Maa Kailadevi Institute** (supra), I am of the view that ten days' delay in submission of the print out and hard copy of the application and the land documents etc. deserves to be condoned. The same is condoned accordingly.

17. Consequently, the impugned orders, dated



28.12.2017 and 29.05.2017, are hereby set aside. The application of the petitioner, which is pending with the Eastern Regional Committee of the National Council for Teacher Education shall, now, be required to be considered for the subsequent sessions 2018-19, if the same is, otherwise, not impermissible.”

5. The grievance of the petitioner, in my view, is identical in nature. Accordingly, the impugned orders, dated 13.04.2017 and 16.10.2017, are set-aside.

6. The application of the petitioner, which is pending with the Eastern Regional Committee of the NCTE, shall, now, be required to be considered for the subsequent session 2018-19, if it is not, otherwise, impermissible.

7. The application stands disposed accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24/01/2018
Transmission Date	N/A

