

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8243 of 2018

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Mirza Ghalib Teachers Training College, Gaja Chak, Mohammadpur, P.O.-
Sorampur, P.S.- Janipur, Janipur, District- Patna through the Principal Sri
Sahaja Nand Sharma, Son of Amresh Sharma.

... .. Petitioner/s

Versus

1. National Council For Teacher Education, Eastern Regional Committee (ERC),
15, Neelakantha Nagar, Nayapalli, Bhubaneswar (Odhisa) through the
Regional Director.
2. The Regional Director, National Council for Teacher Education, Eastern
Regional Committee (ERC), 15, Neelakantha Nagar, Nayapalli, Bhuneshwar
(Odhisa).
3. The Member Secretary, National Council for Teacher Education, Hans
Bhawan, Wing-II, 1, Bahadur Shah Zafar Marg, New Delhi- 110002.
4. The Bihar School Examination Board, Sinha Library Road, Patna- 800017
through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri
		Mr. Santosh Kumar Mishra
For the NCTE	:	Mr. Sunil Kumar Singh
		Mr. Ranvijay Singh
for the BSEB	:	Ms. Namrata Mishra

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

JUDGMENT AND ORDER
ORAL

Date : 10-05-2018

There are certain facts, which are not in dispute. The
petitioner is a teachers' training college, which has been
recognized by the National Council for Teacher Education, for
imparting education at the level of B. Ed., M. Ed. And D.El.Ed.

2. It is the petitioner's case that an application was made
to the Regional Director, National Council for Teacher Education,
Eastern Regional Council, Bhuwaneshwar, for grant of permission



for additional intake of 50 students in D.El.Ed. course after having received no objection certificate from the affiliating body, i.e. Bihar School Examination Board.

3. It transpires that the Regional Director, National Council for Teacher Education, Eastern Regional Council, Bhubaneswar, vide letter, dated 09.04.2017, had conveyed to the petitioner that inspection of the institution would be carried out between 13.04.2017 and 03.05.2017. It is the petitioner's case that there was marriage in the family of the Principal of the College and, therefore, he was on leave from 10.04.2017 to 05.05.2017. The said leave was granted to him on 09.04.2017. In that circumstance, the Secretary of the College had requested the Regional Director to postpone the date of inspection to July-August, 2017.

4. The Eastern Regional Council of National Council for Teacher Education, in its 244th meeting, held on 8-9 October, 2017, refused to grant the applied permission to the petitioner for additional intake in the said D.El.Ed programme. Consequential order, dated 20.10.2017, to the said effect was issued by the Regional Director, National Council for Teacher Education, Eastern Regional Council, Bhubaneswar.



5. The petitioner preferred appeal against the said order, dated 20.10.2017, which, too, has been dismissed by the appellate authority, by order, dated 16.03.2018.

6. Aggrieved by the said orders, dated 10.10.2017 & 16.03.2018, the petitioner has filed the present writ application.

7. Learned counsel appearing on behalf of the petitioner has submitted that there was genuine reason existing because of which request was made to the Regional Director, National Council for Teacher Education, Eastern Regional Committee, Bhubneshwar, to refix the date of inspection because the Principal of the college was on leave. He also submits that because of the ensuing summer vacation, the Regional Director was requested to fix the date of inspection sometime in the month of July or August. The Regional Director, however, without duly considering the request for refixing the date of inspection, without any further communication, passed the impugned order, dated 20.10.2017, which, according to him, is not sustainable. He further submits that the Appellate Authority also failed to take into account the relevant aspects of the matter and mechanically dismissed the appeal preferred against the impugned order, dated 20.10.2017.

8. Mr. Santosh Kumar Mishra, learned counsel appearing on behalf of the National Council for Teachers



Education, has, on the other hand, justified passing of the impugned orders with reference to clause 7(7) of the NCTE Regulation, 2014, and has contended that the inspection could not have been conducted as per the convenience and subject to the institution. It was open to the petitioner institution to allow inspection by the National Council for Teacher Education to be held, which the institution did not. The NCTE, in such circumstance, rightly decided to reject the application for grant of permission for additional intake.

9. Clause 7(7) of the Teacher Education (Recognition, Norms and Procedure) Regulation, 2014, reads thus:-

“After consideration of the recommendation of the State Government or on its own merits, the Regional Committee concerned shall decide that institution shall be inspected by a team of experts called visiting team with a view to assess the level of preparedness of the institution to commence the course. In case of open and distance learning programmes, sampled study centres shall be inspected. Inspection shall not be subject to the consent of the institution, rather



the decision of the Regional Committee to cause the inspection shall be communicated to the institution with the direction that the inspection shall be caused on any day after ten days from the date of communication by the Regional Office. The Regional committee shall ensure that inspection is conducted ordinarily within thirty days from the date of its communication to the institution. The institution shall be required to provide details about the infrastructure and other preparedness on the specified proforma available on the website of the Council to the visiting team at the time of inspection issued by the competent civil authority, if not submitted earlier.”

10. It clearly stipulates that inspection shall not be subject to the consent of the institution “rather, the decision of the Regional Committee to cause inspection shall be communicated to the inspection with the direction that the inspection shall be caused on any date, after 10 days from the date of communication by regional office.



11. By making a communication to the Regional Director, National Council for Teacher Education, Eastern Regional Committee, Bhubneshwar, to postpone the inspection, the petitioner rather stopped the visiting team from making inspection of the college.

12. In such circumstance, the petitioner cannot blame the National Council for Teacher Education for passing an order, rejecting the request for permission for additional intake.

13. I do not find any illegality in the order of the Appellate Authority also for the same reason.

14. In my view the request made by the petitioner to postpone inspection to sometime in July-August, instead of April, as was fixed by the National Council for Teacher Education, does not appear to be bonafide. In the facts and circumstances of the case, I do not find any merit in this application.

15. The application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30-05-2018
Transmission Date	N/A

