

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9612 of 2017

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Deo Nagina Teacher Training College, At - Mohiuddinpur, P.O. -
Hansadih, P.S. - Masaurhi, District - Patna through its Secretary
Arti Sinha, W/o Shri Vinay Kumar Sinha, Resident of Mohalla -
Sheikhpura Bagicha, Bailey Road, P.S. - Shastri Nagar, District -
Patna.

.... Petitioner/s

Versus

1. Magadh University, Bodh Gaya through its Registrar.
2. The Vice Chancellor, Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.
4. The Inspector of Colleges, Arts & Commerce, Magadh University, Bodh Gaya.
5. National Council for Teacher Education (A Statutory body of the Govt. of India), Hans Bhawan, Wing II, Bahadurshah Zafar Marg, New Delhi - 110002 through its Member Secretary.
6. The Member Secretary, National Council for Teacher Education, Hans Bhawan, Wing II, Bhadurshah Zafar Marg, New Delhi - 110002.
7. National Council for Teacher Education, Eastern Regional Committee (A Statutory body of the Govt. of India), 15, Neelkantha Nagar, Nayapalli, Bhubneshwar - 751012, through its Regional Director.
8. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15, Neelkantha Nagar, Nayapalli, Bhubneshwar - 751012.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Arun Kumar, Adv.
For the NCTE	: Mr. Sunil Kr. Singh, Adv.
For the University	: Mr. Shivendra Kishore, Sr. Adv.



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

ORAL JUDGMENT & ORDER

Date: 25-01-2018

Heard the parties.

2. During the pendency of this application, certain developments have taken place inasmuch as the application of the petitioner-college for grant of recognition has been rejected by the National Council for Teacher Education (*in short 'the NCTE'*), only on the ground that the petitioner-college failed to submit the list of Members of the Faculty of the college.

3. It is the grievance of the petitioner that it is because of laches on the part of the Magadh University, Bodh-Gaya (*in short 'the University'*) not nominating the experts/representatives for the Selection Committee for appointment of teaching staff in the college, the list of Faculty Members could not be submitted to the NCTE, leading to rejection of petitioner's application for grant of recognition by the NCTE.

4. It has been submitted on behalf of the petitioner that apprehending such situation, the petitioner-college has sought for relief in the present application by asking the NCTE, not to pass any adverse coercive order against the petitioner-college, on the ground of non-submission of Faculty



list approved by the affiliating body. The application for recognition was filed for the academic session 2017-18. The order of the NCTE, refusing to grant recognition to petitioner-college, is admittedly appealable under Section 18 of the National Council for Teacher Education Act, 1993 (*in short 'the Act'*).

5. Learned Counsel, appearing on behalf of the petitioner-college, has raised several issues, while making his submission in the present case, contending that had the University nominated experts/representatives for the purpose of appointment of teaching staff in the college, the college would have been in a position to furnish the list of Faculty Members before the NCTE.

6. All the issues, raised in the present writ application, can be raised by the petitioner-college by filing appeal before the NCTE. This application, in view of the subsequent developments, has become infructuous.

7. This application is, accordingly, disposed of with an observation that the petitioner-college may pursue his appeal before the NCTE, under Section 18 of the Act, against the impugned action of the Eastern Regional Committee of the NCTE.

8. Learned Counsel, appearing on behalf of the petitioner, has also submitted that this Court may direct the appellate authority to expedite disposal of appeal, if such



appeal is filed within a reasonable time.

9. In that view of the matter, it is observed that if any appeal is filed within a period of one week from today, the appellate authority shall make best efforts to get it disposed of by 31st March, 2018, in accordance with law.

10. The application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29/01/2018
Transmission Date	N/A

