

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19526 of 2018

Sabhapati Mishra Institute Of Education, Mohammadpur, Naya Bhojpur, Maharaja Path, Dumraon, Buxar, through its President Chandan Kumar, Son of Arun Kumar Mishra, resident of Village+ P.O. Naya Bhojpur, District-Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Higher Education, Government of Bihar, Patna.
2. The National Council For Teacher Education through its Secretary Hans Bhawan, Wing- II, Bahadur Shah Zafar, New Delhi.
3. The Regional Director, Eastern Regional Committee, National Council for teachers Education, 15 Neel Kanth Nagar, Nayapalli, Bhubaneshwar- 751012.
4. Vice Chancellor, Veer Kunwar Singh University, Ara, Bihar.
5. Registrar, Veer Kunwar Singh University, Ara, Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19829 of 2018

Sabhapati Mishra Institute Of Education, Mohammadpur, Naya Bhojpur, Maharaja Path, Dumraon, Buxar, through its President Chandan Kumar Mishra, Son of Arun Kumar Mishra, Resident of Village+ P.O.- Naya Bhojpur, District- Buxar, Bihar.

... .. Petitioner/s

Versus

1. The National Council for Teachers Education through its Chairman Hans Bhawan, Wing II, I Bahadur Shah Zafar Marg, New Delhi. null null
2. The Secretary, National Council for Teachers Education Hans Bhawan, Wing II, I Bahadur Shah Zafar Marg, New Delhi.
3. The Regional Director Eastern Regional Committee, National Council for teachers Education, 15 Neel Kanth Nagar, Nayapalli, Bhubaneshwar- 751012.
4. Bihar School Examination Board, through its Secretary, Patna.
5. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19526 of 2018)

For the Petitioner/s	:	Mr. S. N. Pathak
		Mr. Prashant Kumar
For the Respondent/s	:	Mr. Kameshwar Kumar-Gp17
		Mr. Arvind Kumar-Gp17
For NCTE	:	Mr. Sunil Kumar Singh
For the University	:	Mr. Rajesh Choudhary
(In Civil Writ Jurisdiction Case No. 19829 of 2018)		
For the Petitioner/s	:	Mr. Prashant Kumar
For the Respondent/s	:	Mr. Sunil Kumar Singh



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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 06-12-2018

Heard learned counsel for the parties.

It is an admitted fact that petitioner did not have 'no objection certificate' at the time of submission of application. It also not in dispute that it is mandatory to submit 'no objection certificate' at the time of making application for grant of recognition by the NCTE. Rejection of the application for recognition by the competent authority, therefore, cannot be said to be unjustified. The decision of the Appellate Authority too does not require any interference for the same reason.

Learned counsel appearing on behalf of the petitioner has attempted to convince this Court that in other cases, the Appellate Authority has taken different view and has asked the Regional Committee to re-consider the case for grant of recognition.

The Court is not able to accept the submission. An action of an authority which is contrary to the extant law cannot be a ground for claiming parity. An illegality committed by anybody cannot be a ground for the petitioner to grant similar treatment by this Court.



This application has no merit and accordingly is dismissed.

(Chakradhari Sharan Singh, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13/12/2018
Transmission Date	NA

