

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8521 of 2019

Nalanda Mahila Shikshak Prashikshan Mahavidyalaya Plot No. 1340, Street No NH 82, Vill/P.O.-Dipnagar, Tehsil/Taluka-Bihar Block (Town Block) City-Biharsharif, District-Nalanda, Bihar through its Secretary Dr. Kumari Padma (F), aged about years, W/o Shailender Kumar, Vill-Dipnagar, P.O. Dipnagar, Tehsil/Taluka-Bihar, Biharsharif, Dist Nalanda, Bihar -803111

... .. Petitioner/s

Versus

1. The National Council for Teachers Education (NCTE) Eastern Regional Committee (ERC) NCTE-15 Neelakantha Nagar, Nayapalli, Bhubaneswar through its Regional Director
2. The Regional Director Eastern Regional Committee (ERC) NCTE-15 Neelakantha Nagar, Nayapalli, Bhubaneswar
3. The Patliputra University Patna through its Vice Chancellor
4. The Vice Chancellor Patliputra University, Patna, Bihar
5. The Registrar Patliputra University, Patna, Bihar
6. Nalanda Open University Patna through its Registrar
7. The Registrar Nalanda Open University, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.N.Pathak, Advocate
For NCTE	:	Mr.Sunil Kumar Singh, Advocate
		Md. Azimuddin, Advocate
		Mr. Ranvijay Singh, Advocate
For NOU	:	Mr. Navin Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 12-07-2019 The petitioner has filed the present writ petition challenging the order passed by the Eastern Regional Committee (ERC), National Council for Teacher Education (NCTE).

The grievance of the petitioner in the instant case is that the petitioner was granted permission but in the midstream the respondent-NCTE has withdrawn the permission granted to



the institution. The petitioner has prayed for a direction to the respondents to allow the petitioner to admit students.

The matter with regard to admission in B.Ed. Course was taken to the Apex and the Apex Court considering the hardship in the case of **Sattar Memorial College of Education & ors. Vs. National Council for Teacher Education & anr: Writ Petition (Civil) No. 818 of 2019** has passed the following order:

“Applications for intervention and for Vakalatnama stand allowed.

During the course of hearing, Mr. Nidesh Kumar, learned senior counsel for the petitioners states that they should be permitted to admit students who have qualified Common Entrance Test (CET).

Learned counsel for the respondents states that in case any such list is sent, the same would be examined by the respondents and if the candidates have qualified the CET, the petitioners would be permitted/allowed to admit such candidates.

List by the petitioners should be sent on or before 03.07.2019.

Recording the aforesaid statement, we dispose of the present petitions.

However, we make it clear that the University may admit the students while finalising the admission process within 5th July, 2019. No admission shall take place before sending the list on or before



03.07.2019. it is made clear that the University should not receive any list beyond 03.07.2019 from the Colleges.

Applications for direction(s)/clarification (s) are disposed of accordingly.”

In view of the deadline fixed by the Apex Court, no direction can be issued for admission in the institution in question. So far as the grievance of the petitioner regarding withdrawal of the permission granted by the NCTE is concerned, the respondent-NCTE has filed counter affidavit wherein they have taken stand that there is provision for filing appeal against the decision of the Eastern Regional Committee (ERC).

Considering the fact that the petitioner has remedy by way of appeal before the National Council of Teachers Education, the writ petition is disposed of with liberty to the petitioner to approach the National Council for Teachers Education within a period of 15 days. On filing of the appeal by the petitioner-Institution, the NCTE is required to give opportunity of hearing to the petitioner and pass appropriate order in accordance with law within a maximum period of 30 days from the date of filing of such appeal.

The petitioner is granted liberty to file appeal by way of memorandum of appeal in hard copy and the NCTE cannot



refuse the memo of appeal on the ground that it is not submitted online. In the event the NCTE refuses to entertain appeal, the court shall take the matter seriously.

Objection of the NCTE that under the scheme there is provision for filing appeal is online, does not impress this Court as this Court has relegated the petitioner to approach NCTE.

While disposing of the writ petition the Court directs the NCTE to entertain the appeal in hard copy.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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