

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16089 of 2019

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Sukhdeo Narayan Lal Bahadur Sitaram Memorial B. Ed. College Plot no. 4753, Vill.-Mustafapur, P.O.-Mahi, Taluka-Asthwan P.S.-Biharsharif, Distt.-Nalanda, Bihar, PIN-803107, through its Settler-Cum- Managing Director, Arjun Pd. Sinha

... .. Petitioner/s

Versus

1. The National Council For Teacher Education, Hans Bhawan, Wing-11, Bahadur Shah Zafar Marg, New Delhi, through its Member Secretary.
2. The Regional Director, National Council For Teacher Education, Eastern Regional Committee, 15, Neelakantha Nagar, Nayapalli, Bhubneshwar, (Odisha) 751012.
3. The Vice-Chancellor, Magadh University, Bodhgaya, Gaya
4. The Registrar, Magadh University, Bodhgaya, gaya.
5. The Vice-Chancellor, Pataliputra University, Old Bypass Road, Kankarbagh, Patna-20.
6. The Registrar, Pataliputra University, Old Bypass Road, Kankarbagh, Patna-20.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siyaram Sahi, Adv. Mr. Suresh Mishra, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Singh, Adv.
For the P.P.U.	:	Dr. Anand Kumar, Adv. Mr. Bipin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State as well as University.

Petitioner is aggrieved by the order contained in Annexure-14 whereby the National Council of Teacher Education (NCTE) has decided to withdraw the permission granted to the institution w.e.f. 2020-21 academic session.

Mr. Siyaram Sahi, learned counsel appearing on behalf of petitioner submits that the NCTE has never issued any



show cause notice to the institution pointing out that the institution is not 2017 regulation complaint. In the past the show cause notice was issued with regard to compliance of 2014 regulation. On the other hand it is submitted by the respondent NCTE that the regulation 2017 was duly published and it is binding on of the institution and every institution has to confirm the standard prescribed by 2017 regulation for grant of promotion.

Mr. Sahi submits that in the process of complying the requirement of 2017 regulation, the University is also required to take decision in terms of the Bihar State University Act with regard to approval of expert in constitution of selection committee. The requirement under the provisions of Bihar University Act for appointment in affiliated college is contemplated in section 57A and section 57B, wherein concerned University has some role to play.

Considering the procedural requirement under the provisions of Bihar University Act, the Court grants time to the petitioner institution to take steps for appointment of the faculty in the institution in terms of Bihar University Act and obtain the approval from the newly created Patliputra University for Constitution of the selection committee. The University has to take appropriate decision with regard to the approval of expert members in the selection committee so that the appointment of faculty in institution in question may be completed



at the earliest, decision at the level with the University in the matter of constitution of selection committee may be taken at the earliest preferably within a period of 30 days from the date of receipt/production of copy of this order. Thereafter, the Managing Committee of Institution will complete the process of appointment on the recommendation of the selection committee within 30 days thereafter the Managing Committee refer the matter of approval of appointment to the University for appropriate decision of approval in accordance with law within one month and thereafter, the institution is required to submit to the NCTE about the compliance of all the requirement of 2017 regulation latest by 15.12.2019. The NCTE shall consider the case of the petitioner objectively and on fulfilling the condition in terms of 2017 regulation, the NCTE will withdraw the decision withdrawing the permission of the institution in question for academic session 2020-21. Appropriate decision by the NCTE must be made before 10th December, 2019.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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