

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.3417 of 2020**

Ram Baran Ray B.Ed. College Plot No.- 27, Street Number- Main Road, Village- Shyampur Bairo (Main Bairo), P.O.- Hansi Kewal, Tehsil/ Taluka- Bhagwanpur Town/ City- Bhagwanpur, District- Vaishali, Bihar- 844131 Through its Chairman Rajendra Rai (Male), aged about 80 Years, Son of Late Ram Varan Rai, Resident of S.D.O. Road, Pokhra, Hajipur, P.S.- Hajipur, District- Vaishali.

... .. Petitioner

Versus

1. National Council for Teacher Education Hans Bhawan Wing II, Bahadurshah Zafar Marg, New Delhi- 110002 through its Member Secretary.
2. The Member Secretary, National Council for Teacher Education Hans Bhawan Wing II, Bahadurshah Zafar Marg, New Delhi- 110002
3. The, Eastern Regional Committee (ERC) of the National Council for Teacher Education, 15, Neelakantha Nagar, Nayapalli, Bhubaneswar through its Regional Director.
4. The Regional Director, National Council for Teacher Education, Eastern Regional Committee, 15 Neelakantha Nagar, Nayapalli, Bhubneshwar- 751012.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. P.K. Sahi, Sr. Advocate
Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Sunil Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 16-10-2020 Heard learned Senior Counsel for the petitioner and

Mr. Sunil Kumar Singh, learned counsel representing the

National Council for Teacher Education and its authorities

(respondent nos. 1 to 4).

This writ application has been preferred for the
following reliefs:-

“a. For quashing of the decision contained at
Serial No. 35 of the proceeding of the 278th



Meeting dated 16th -18th of January 2020 (Annexure – 6) of the Eastern Regional Committee, National Council for Teacher Education (hereinafter referred to as ‘ERC, NCTE’) whereby and whereunder the recognition granted to the Petitioner college to run the B.Ed. Course has been withdrawn w.e.f. the Academic Session 2020-2021 on the ground of non-compliance to final show cause notice issued on 28.11.2018.

b. For a direction to the concerned Respondents to restore the recognition of the Petitioner college.

c. For any other relief/s to which the petitioner is found entitled in the eye of law and in the facts and circumstances of the case.”

Mr. P.K. Sahi, learned Senior Counsel while assailing the impugned decision as contained in Annexure ‘6’ to the writ application submits that on a bare perusal of the order passed by the Eastern Regional Committee (ERC), National Council for Teacher Education (hereinafter referred to as the ‘NCTE’) in its 278th meeting held on 16th -18th January, 2020 noticed that impugned decision has been taken without looking into the compliances which have already been made by the petitioner and the order passed by the Committee is completely vague and without reasons.



Learned Senior Counsel submits that non-consideration of the materials which had already been lying with the Committee would render the impugned decision bad in law and it cannot sustain the test of reasonableness on the touchstone of Article 14 of the Constitution of India.

Learned Senior Counsel has taken this Court through Annexure '3' which is the minute of the 263rd Meeting of the Eastern Regional Committee held on 15th -16th November, 2018. In the said meeting as regards the present petitioner three deficiencies were noticed which are as under:-

“(i) Building completion certificate is not in the NCTE prescribed format and also not approved by Govt. Engineer, Total land area and built up area not mentioned in the building completion certificate.

(ii) Website not mentioned.

(iii) Building plan is in piecemeal and small font, Consolidated building plan required to be submitted.”

Learned Senior Counsel submits that thereafter a show cause dated 28.11.2018 was issued vide Annexure '4'. The petitioner had complied with the requirement and all the documents which were wanted were resubmitted by the petitioner vide letter reference no. 254 dated 04.12.2018. Those



documents have been enclosed with the letter dated 04.12.2018. It is then submitted that the respondents are not denying receipt of letter reference no. 254 dated 04.12.2018 along with documents enclosed therewith but then the impugned order/decision as contained in Annexure '6' is nowhere showing consideration of those documents. In fact the impugned decision has been taken by making a wrong statement that the petitioner has not complied with the final show cause notice. This is a completely vague statement according to the learned Senior Counsel for the petitioner.

Mr. Sunil Kumar Singh, learned counsel representing the respondents has though submitted that there is a provision for statutory appeal against the impugned order but has soon realised the difficulty in countering the submission of learned Senior Counsel and after his initial attempts to justify the order as contained in Annexure '6' learned counsel has submitted that in the facts and circumstances if an opportunity is granted to the respondents a fresh reasoned order may be passed.

In the opinion of this Court, the impugned decision as contained in Annexure '6' with regard to the present petitioner has been passed without looking into the records which were made available by the petitioner. The impugned decision reads



as under:-

“The original file of the institution along with other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, were carefully considered by ERC and the following observation was made:-

(i) Non-compliance to final show cause notice issued on 28.11.2018.

Hence, B.Ed. Course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21.”

It is evident from the aforesaid decision that there is no consideration of the materials and it is for this reason that learned counsel for the respondents is not able to controvert the submissions of learned Senior Counsel for the petitioner. The impugned order, therefore, suffers from non-consideration of the materials available on the record, it is vague and totally unreasoned, therefore, the same is set aside in so far as it relates to the petitioner.

The respondents are directed to take a fresh decision within a period of eight weeks from today after considering all the materials on the record and also the relevance of the materials which respondents are looking for in the matter of recognition of B.Ed course which has already been granted



earlier and has been sought to be withdrawn by the impugned order for the aforesaid reasons. It will also be open to the respondents to seek any clarification from the petitioner if so required in order to take a decision.

This writ application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

