

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7735 of 2020

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National Teacher's Training College Khazanchi Road, Dist.- Patna, Bihar- 800004 through the Secretary Md. Jahangir Khan, son of Late Jabbar Khan, resident of Deep Ganga Complex, 301 (A), Near HDFC Bank, Ashok Raj Path, Sampatchak, Bankipore, Patna, Bihar- 800004.

... .. Petitioner/s

Versus

1. The National Council for Teacher Education Hans Bhawan, New Delhi through its Secretary.
2. The Eastern Regional Committee National Council for Teacher Education, Naya Palli, Bhubaneswar, Odisha through Regional Director.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Niranjana Kumar, Advocate
For the Respondent/s : Mr.Sunil Kumar Singh (NCTE)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

10 14-12-2020 Heard learned counsel for the parties.

2. This writ application under Article 226 of the Constitution of India has been filed before this Court online during the lockdown imposed in the wake of Covid-19 pandemic on 07.07.2020 through the Secretary, National Teacher's Training College, Khazanchi Road, Patna seeking quashing of the proceedings of 233rd meeting of the Eastern Regional Committee(ERC), National Council for Teacher Education (NCTE), Bhubaneswar to the extent the same relates to the petitioner and a subsequent order dated 12.09.2018, passed by the Member Secretary, NCTE, New Delhi whereby



the request for grant of recognition to the institution for conducting D.El.Ed. course has been rejected by the Appellate Authority. The petitioner is further seeking a direction commanding the respondents to inspect the institution and grant recognition for conducting D.El.Ed. course of two year duration with annual intake of two units (100 students) as grant of recognition for the said course is mandatory in terms of National Council for Teacher Education (Recognition, Norms and Procedure) Regulations, 2014 by converting the units into a composite institution imparting both i.e. B.Ed. and D.El.Ed. courses.

3. The Court does not find any explanation in the writ application as to why in a matter relating to grant of recognition for a course in teacher training, which is time bound procedure, the petitioner approached this Court nearly two years after rejection to grant of recognition by the NCTE, New Delhi.

4. It is the petitioner's case that because of few deaths in the family of the persons running the institution, timely steps could not be taken to assail the impugned order.

5. It is curious to note that the petitioner had filed an appeal against the order dated 02.06.2017, passed by the ERC, NCTE, Bhubaneswar whereby request for recognition for



conducting D.El.Ed. course was rejected on the ground that the ERC in its 233rd meeting held on 17-18 February 2017 had considered the matter in detail and had observed that on 22.12.2016 show cause notice was issued to the institution showing following deficiencies :-

(i) Latest no objection certificate for the current academic year 2017-18 was not submitted.

(ii) As per online portal the online application was submitted on 26.05.2016 whereas payment was made on 08.06.2016 i.e. after the date of online submission of the application.

6. It seems that in response to the said show cause notice the institution submitted a reply dated 17.12.2016 and another representation dated 30.01.2017 was submitted with a request to close the application and not to proceed further due to certain mishaps in the family and they were, therefore, not mentally prepared for inspection of the institution. It was in the light of the aforesaid application on behalf of the institution that ERC had rejected the petitioner's application.

7. A statutory appeal was preferred against the decision of the ERC. A plea was taken that there was sudden casualty in the family due to which everyone in the family got disturbed and there was none in the family, in a position to handle the file.



Since they had an obligation to reply to the show cause notice, they hurriedly made a reply and by mistake requested the respondents to close the application. The intention of the institution was not to close the file but to postpone further activities of the file till they came out of the situation, the petitioner had contended before the appellate authority. The petitioner requested the appellate authority to reopen its application. The appeal itself was delayed by one year as against the prescribed period of 60 days. The appellate authority in the background of the facts noted in the impugned order dated 12.09.2018 recorded that the ERC was justified in refusing recognition. The appeal was accordingly dismissed.

8. As has been noted above, the petitioner did not question the correctness of the appellate order immediately after the same was passed.

9. On perusal of the impugned appellate order dated 12.09.2018, passed by the Member Secretary, NCTE, New Delhi I do not find any illegality in the facts and circumstances noted above. There was admitted inordinate delay in filing the appeal. It was on the request of the petitioner that the file relating to grant of recognition by the NCTE was closed; which is an admitted fact. Further, there has been substantial delay by



the petitioner in approaching this Court. This Court, in such circumstance, does not consider this to be a fit case requiring interference exercising power of judicial review under Article 226 of the Constitution of India.

10. It goes without saying that the petitioner may apply afresh for grant of recognition before the appropriate body in accordance with law if legally permissible.

11. This application is accordingly dismissed with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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