

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8493 of 2019

Nalanda Teacher's Training College Mohalla-Kalyanpur, Station Road Bihar Sarifdistt, Nalanda Bihar 803101 code APE00806. Through the secretary its Dr. Kumari Padma (F), aged about 55 years, W/O of Late Shailender Kumar Vill. Dipnagar, PO 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.Prashant Kumar
For the Respondent/s : Mr.Sunil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

12 09-12-2020 Heard Mr. S.K. Pathak, learned counsel for the petitioner, Mr. Anand Kumar, learned counsel for the Patliputra University, Mr. Sunil Kumar Singh, learned counsel for NCTE and Mr. Nadim Seraj, learned counsel for the Lalit Narayan Mithila University through Video Conferencing.

2. The petitioner filed this writ petition for a direction to the University for issuance of counter sign/approval as per the list submitted by the institution of the petitioner and for a



direction to the respondent NCTE for granting time so that the final counter sign/approval as per the requirement made thereupon by the NCTE be submitted by the institution of the petitioner after approval by the University and for further quashing the decisions taken by the Eastern Regional Committee (ERC) in its 279th meeting held on 14th - 16th February, 2020 in agenda at serial no.15 whereby and whereunder the affiliation of petitioner's institution for B.Ed. Course has been withdrawn under Section 17(1) of the NCTE Act.

3. Mr. S.N. Pathak, learned counsel for the petitioner submits that in pursuance of the notice issued by the NCTE, the petitioner submitted petition with required fees before the University. Once the University sent University Representative but again some defect remained and thereafter the petitioner submitted a petition for appointment of University Representative for appointment of qualified teachers as required by the NCTE but the petition remained pending before the University on one pretext or other. Ultimately the petitioner submitted the names of the Selection Committee for approval and the required fees. Thereafter it is pointed out that the draft for appointment of University Representative was lapsed and



thereafter again the petitioner submitted the required fees but in the meantime, the ERC, NCTE withdrew the recognition of the institution of the petitioner in the meeting of 14th - 16th February, 2020. It is submitted that in a similar case, this Court in CWJC No.16089 of 2019 by order dated 06.08.2019 directed the University to do the needful for appointment of teachers in the institution of the petitioner within 30 days and thereafter the Managing Committee of the institution will complete the process of appointment on the recommendation of the Selection Committee and the Managing Committee will refer the matter for approval of appointment to the University and also the institution shall submit report to the NCTE about compliance of the requirements. The NCTE shall consider the case of the petitioner objectively and grant recognition and withdraw the permission of the institution for academic Session 2020-2021 by 10.12.2019.

4. Mr. Anand Kumar, learned counsel for the Patliputra University submits that no delay is caused on the part of the University. The University is ready to approve the panel for appointment of teachers and on such appointment, the University is also ready to approve the list thereafter the institution may send it to the NCTE. Mr. Sunil Kumar Singh,



learned counsel for the NCTE submits that the ECR, NCTE has withdrawn the recognition only because the institution of the petitioner was not fulfilling the criteria. Mr. Nadim Seraj, learned counsel for L.N. Mithila University submits that L.N. Mithila University, which is a nodal university, has no problem to recommend the names of the selected candidates for appointment in the institution of the petitioner, if the institution of the petitioner is granted recognition and permission to take admission.

5. Having considered the facts and the delay caused due to procedural requirement by the University, I direct the University to immediately take steps for approval of the panel for appointment of qualified teachers as required by the University within ten days from the date of this order and thereafter the institution shall immediately submit the list of the teachers duly appointed by the expert panel and the University shall thereupon grant approval within ten days thereafter. Thereafter, the institution shall send the required report to the ECR, NCTE, who shall accord recognition and grant permission for admission in the institution of the petitioner within 20 days thereafter. In the meantime, the L.N. Mithila University may also allot the students for admission in the institution of the



petitioner. The NCTE shall take decision on submission of the report by 15th of February, 2021.

6. With the aforesaid directions, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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