

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4090 of 2020**

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Ramjyoti Kameshwar College of Teacher Education Village and P.O.-  
Shivdaha Barail, P.S.- Gaighat, District- Muzaffarpur through its Chairman  
Sunil Kumar, aged about 58 years (Male), Son of Late Kameshwar Roy,  
Resident of Village and P.O.- Shivdaha Barail, P.S.- Gaighat, District-  
Muzaffarpur, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Higher Education, Government of Bihar, Patna.
2. The National Council for Teachers Education through its Secretary, Hans Bhawan, Wing II, I Bahadur Shah Zafar Marg, New Delhi.
3. The Regional Director Eastern Regional Committee, National Council for Teachers Education, 15 Neel Kanth Nagar, Nayapalli, Bhubaneswar 751012.

... .. Respondents

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**Appearance :**

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|----------------------|---|---------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sri Nath Pathak, Advocate<br>Mr. Prashant Kumar, Advocate |
| For the State        | : | Mr. Ashutosh Ranjan Pandey (AAG15)                            |
| For NCTE             |   | Mr. Sunil Kumar Singh, Advocate                               |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      25-02-2021                      Heard learned counsel for the petitioner and the respondents.

Writ petition has been filed for issuance of an appropriate writ for setting aside or reviewing order no. ERC/266.12(i).3/9364/D.El.Ed/ERCAPP201646153/2019/6024 2 dated 15.4.2019 (Annexure 2 to the writ petition), passed by the respondent no.3, the Regional Director, the Eastern Regional Committee, Bhubneshwar and the Appellate Order no. 82556 dated 27.8.2019 (Annexure 4 to the writ petition), passed by



Member Secretary, NCTE, New Delhi, by which order passed by the ERC, NCTE has been upheld observing that *'the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected'*.

It is the case of the petitioner that petitioner's institution Ramjyoti Kameshwar College of Teacher Education, Village + Post Office Shivdaha Barail, Police Station Gaighat, Muzaffarpur runs through a trust, namely, Ramjyoti Educational Trust, Jay Prakash Nagar, Ashiyana Nagar, Patna, Bihar for imparting teachers education, traditional and professional in nature, to the students. The trust had applied for grant of permission for D.El.Ed. under the NCTE Act, 1993 on 9.6.2016 to the Eastern Regional Committee (ERC) of the National Council for Teacher Education (NCTE) under the NCTE Act, 1993 pursuant to which show cause notice had been issued on 6.2.2017 which had been replied by the petitioner on 20.3.2017. Thereafter, several times the scheduled inspection of petitioner's institution was deferred by the ERC, NCTE and finally it issued aforesaid letter (Annexure 2) refusing to grant recognition to the institution for D.El.Ed. Course under section 14/15 (3)(b) of the NCTE Act, 1993. Appeal against the said refusal order has also been dismissed vide order dated 27.8.2019



(Annexure 4).

After some arguments, learned counsel for the petitioner seeks liberty to file a fresh representation with respect to grant approval of the institution to respondent no. 2 and 3 with all the required documents and details of the infrastructure required under the NCTE Act.

Counter affidavit has also been filed by respondent no. 2 and 3. In paragraph 9 of the counter affidavit, it has been stated that the ERC in its meeting dated 31.1.2019 considered the documents and refused recognition of B.Ed course to petitioner's institution under section 14(3)(b) of the NCTE Act, 1993 due to non co-operation from the institution and the order was issued in this regard on 15.4.2019. However, learned counsel for the NCTE does not have any objection to the submission of the petitioner.

In the facts and circumstances of the case, the petitioner is granted liberty to file a fresh representation before the respondent authorities with all the required documents and details of the infrastructure required under the NCTE Act within a period of four weeks from today.

In the event such representation is filed by the petitioner's institution with all the required documents and



details of the infrastructure required for recognition under the NCTE Act and if the respondents are satisfied with the same, they would make inspection of the petitioner's institution and pass appropriate order in accordance with law as well as in terms of provisions of NCTE Act within three months thereafter.

Writ petition stands disposed of with the aforesaid directions.

**(Prabhat Kumar Singh, J)**

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