

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7851 of 2020

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S.M. Shoaib Hashmi Education and Welfare Trust Group of Institutions, Plot No.-204, Village Parsa Pakarya, Pathanpatti, Tehsil/Taluka-Chauradana Distt./Purvichmparan PO Narkatiya Bajar, Motihari, Bihar through the Secretary, Shahid Shoaib Hashmi, aged about 56 years, S/o late S.M. Shoaib, Resident/Mohalla Chiykohts Basti, PO-Anisabad, PS Gardanibagh, District-Patna-800002.

... .. Petitioner/s

Versus

1. The National Council For Teachers Education through its Secretary, Hans Bhawan, Wing II, I Bahadur Shah Zafa Marg, New Delhi.
2. The Regional Director, Eastern Regional Committee, National Council For Teachers Education, 15 Neel Kanth Nagar, Nayapalli, Bhubaneshwar-751012

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. S N Pathak, Advocate
For the NCTE : Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. S N Pathak, learned counsel for the petitioner and Mr. Sunil Kumar Singh, learned counsel for the National Council for Teacher Education (hereinafter referred to as the 'NCTE').

3. The petitioner has moved the Court for the following reliefs:

“(I) For issuance of an appropriate writ or writs, direction/s to the respondent NCTE to consider the case of the petitioner institution for granting recognition/approval for one more unit of 50



students for the session 2018-20 of the D.El.ED Course.

(II) For issuance of an appropriate Direction/s, Order/s, or writ in the nature of Mandamus Commanding the concerned respondents/ Authorities to review the order no.-F.No. ERC/ 249.1(i).5/ D.El.Ed/ 2018/ 56030 dated 14.02.2018 whereby and where under the NCTE has granted recognition/permission to the petitioner institution approving only 01 unit (one basic unit) of 50 students in respect of the D.El.Ed Course without assigning any reason, whereas the petitioner institution has applied for 2 units (two basic unit) of 100 students in respect of the D.El.Ed. Course.

(III) For issuance of an appropriate writ or writs, direction/s for setting aside Order dated 11/06/2019 passed by Respondent NCTE whereby and where under the order passed by the ERC, NCTE has been upheld and the appellate authority has decided not to grant recognition to the institution for D.El.Ed course and/or

(IV) Any other relief(s) that the petitioner may be found entitled to under the facts and circumstances of the case.”

4. Counter affidavit and supplementary counter affidavit have been filed on behalf of the NCTE.

5. Today, learned counsel for the NCTE fairly submitted before the Court that the matter may be remanded to



the respondent no. 2 in similar terms as what has been done by the Hon'ble Delhi High Court in the matter of **Sant Tapaswi Narayan Das Foundation** with regard to permission for grant of one more unit of 50 students for the concerned sessions. It was submitted that the Hon'ble Supreme Court has fixed 3rd of March, 2021 as dead-line in the case of **Maa Vaishno Devi Mahila Mahavidyala** for the said purpose. It was submitted that if the petitioner fulfills the faculty criteria, one additional unit for intake of 50 more students shall be allowed to it.

6. Learned counsel for the petitioner agreed to the suggestion given by learned counsel for the NCTE. However, he submitted that the Court may safeguard the interest of the Institution as far as the cut-off date is concerned as otherwise the matter would become infructuous and the petitioner would suffer irreparable loss.

7. Learned counsel for the NCTE assured that they are conscious of the fact that before 3rd of March, 2021 a decision has to be taken and that the same would be done much before that so that the Institution has sufficient time to act on the same.

8. Having regard to the aforesaid, the writ petition stands disposed off in the following agreed terms:

(a) As has been suggested by learned counsel for the



NCTE, let the petitioner submit a list of his faculty giving their details, especially with regard to qualification, along with a copy of this order, before the respondent no. 2, latest by 12th February, 2021.

(b) If the same is done, the respondent no. 2 shall pass appropriate orders, latest by 26th February, 2021.

(Ahsanuddin Amanullah, J)

Anjani/-

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