

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.404 of 2021

In

Civil Writ Jurisdiction Case No.7735 of 2020

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National Teachers Training College Khazanchi Road, Dist- Patna, Bihar- 800004 through the Secretary, Md. Jahangir Khan, Male, Age- 59 year, S/o Late Jabahr Khan, Resident of Deep Ganga Complex, 301(A), Near HDFC Bank, Ashok Raj Path, Sampatchak, Bankipore, Patna, Bihar- 800004.

... .. Appellant/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, Bhubaneshwar, Odisha through the Regional Director.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravishankar Ganguly, Adv.
Mr. Md. Imtiyaz Hussain, Adv.
For the Respondent/s : Mr. Sunil Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 28-06-2022 Heard Mr. Ravishankar Ganguly, the learned

Advocate for the appellant and Mr. Sunil Kumar Singh for the

respondent no. 1/ N.C.T.E.

The appellant institute had come up before this Court against the order passed by the Eastern Regional Committee, N.C.T.E., Orissa refusing to grant recognition to the Institute for conducting D.El.Ed. Course as also the decision of the appellate authority sustaining the decision of the N.C.T.E. in not giving recognition to the Institute.



On behalf of the appellant institute, it has been argued that because of certain mishaps in the family, the matter could not be pursued further and a request was made to the N.C.T.E. for postponing any decision making on the application made by the Institute for recognition or re-valuation of the decision refusing to give recognition to the Institute.

However, taking a different view of the matter N.C.T.E. found that the management of the Institute was not interested in pursuing the issue of recognition and closed the file.

An year after the aforesaid closure of the proceedings before the Eastern Regional Committee of the N.C.T.E., the appellant institute preferred the afore-noted writ application viz. C.W.J.C. No.7735 of 2020.

The learned Single Judge rejected the prayer made therein vide order dated 14.12.2020 but not without giving an opportunity to the appellant institute for approaching the N.C.T.E. afresh in case so desired and the N.C.T.E. was directed to take a fresh decision in the matter.

Mr. Ganguly, however, has argued that in anticipation of grant of recognition, necessary infrastructure upgradation was made in the institute which already had been running for B.Ed.



Course. The letter of postponement of proceedings, it has been urged, ought not to have been treated as representing the animus to have the proceedings postponed forever.

Mr. Ganguly further contends that the management of the Institute would be satisfied if the fee which had already been paid by the Institute for the purposes of recognition by the N.C.T.E. is adjusted against any fresh application which shall be made by the Institute for recognition for future sessions.

Mr. Sunil Kumar Singh, the learned Counsel representing the N.C.T.E., however, submits that with the closure of the proceedings, the fee stands forfeited in view of Clause 5 of the Regulation of N.C.T.E. He further submits that under the new education policy, a new D.El.Ed. Course is on the anvil and, therefore, the Government of India has taken a decision not to give recognition to any Institute in the interregnum i.e. before the new policy comes into play.

However, it is clarified by Mr. Singh that under the new policy, only 50 Institutes as Pilot Institutes of the Central and State Governments are being notified and the appellant Institute shall have to wait for the extension of such policy of recognition to other Institutes.

Precisely for this reason, the national portal of the



N.C.T.E. is not open for any fresh application to be made by Institutes.

Under the aforesaid circumstances, this Court finds no justification to accede to the request made by the appellant for directing the N.C.T.E. to adjust the fee paid by the Institute for consideration for grant of recognition.

We however, reiterate that in view of the New Education Policy and new course curriculum to be introduced under the policy, the appellant Institute shall be within its rights to apply for recognition and if it does so, after fulfilling all the conditions, no adverse view about the Institute shall be taken by the N.C.T.E. for the Institute having failed in getting recognition in the past.

With the aforesaid observation, this appeal stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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