

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.962 of 2019

In

Civil Writ Jurisdiction Case No.8521 of 2019

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1. National Council for Teachers Education (NCTE) Eastern Regional Committee (ERC), NCTE, 15 Neelakantha Nagar Nayapatti, Bhubneshwar through its Regional Director.
 2. The Regional Director The Easter Regional Committee (ERC), NCTE-15, Neelakanth Nagar, Nayapalli, Bhubaneshwar.

... .. Appellant/s

Versus

1. Nalanda Mahila Shikshak Preashikshan Mahavidyalaya Plot No. 1340 Street No NH-82 Vill/ PO- Dipnagar Tehsil / Talka Bihar Block (Town Block) City - Biharsharif, District- Nalanda through its Secretary Dr. Kumari Padma (F) aged W/o of Shilendra Kumar, Village- Dipnagar, P.O.- Dipnagar, Tehsil / Taluka Bihar, Biharsharif, District- Nalanda, Bihar- 803111.
2. The Patliputra University Patna through its Vice-Chancellor.
3. The Vice-Chancellor Pataliputra University, Patna, Bihar.
4. The Registrar Pataliputra University, Patna, Bihar.
5. Nalanda Open University Patna through its Registrar.
6. The Registrar Nalanda Open University, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar Singh, Adv.
For the Respondent Nos. 2,3 & 4	:	Mr.Rana Vikram Singh, Adv.
		Mr. Anand Kumar, Adv.
For the Patliputra University	:	Ms. Rasika, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 14-11-2022

Heard Mr. Sunil Kumar Singh, learned
Advocate for the appellant/National Council for
Teachers Education (NCTE) and Dr. Anand Kumar



for Nalanda Open University. The Patliputra University is represented by Ms. Rasika. There is no appearance on behalf of respondent No. 1 (writ petitioner) notwithstanding the service of *dasti* notice on the Institution.

Hence, this matter has been taken up for consideration.

The appellant stands aggrieved by the observation of the learned single judge that even in case of the respondent preferring an appeal against the decision of Eastern Regional Committee of NCTE by filing memo of appeal in hard copy and not by online mode, which is provided in the Statute, it should be entertained. The further observation of the learned single judge has aggrieved the appellant that under the scheme of the act only online appeals can be filed, does not leave the court impressed.

Mr. Sunil Kumar Singh, learned Advocate has drawn the attention of this Court to the notification of the Human Resource



Development Ministry of the Government of India dated 13th of September, 2011, whereby the rules of National Council for Teachers Education, 2011 has been amended and for appealing against any order passed by Eastern Regional Committee/Regional Committees, the forum of appeal has been provided which appeal could be filed electronically through online mode on the website of NCTE along with requisite fee. The proposed appellant would be required to remit the filled-in online application and post two sets of hard copies accompanied with requisite documents to the Member Secretary NCTE, New Delhi, but only within two days of online submission of appeal.

By referring to the afore-noted notification, Mr. Singh, learned Advocate for the appellant/NCTE submits that hard copies of the memo of appeal are accepted but only after online appeal is filed and not otherwise. There is no reason why, he submits, the learned single



judge ought to insist upon filing of hard copy in appeal to the exclusion of online filing.

We find that the aversion of the learned single judge to the online filing of appeal is inexplicable and against the rules provided in that behalf.

Mr. Singh has also submitted that during the pendency of this appeal, according to his information, the permission granted to the respondent in taking admission of students which was withdrawn mid-way, has been restored. Even otherwise, since the respondent has not appeared on receipt of *dasti* notice as directed by this Court, there is no difficulty for this Court to hear the appeal in the absence of the respondent.

The rules with regard to filing of appeals should normally be followed and in the absence of any reason ascribed by the learned single judge, such observations are not welcome and cannot be sustained.



We also find that there is no specific averment of the respondent before the learned single judge that it would be difficult for it to prefer an appeal online against decision of the Eastern Regional Committee of NCTE.

Thus, we modify the order of the learned single judge by holding that an appeal could be preferred by an aggrieved party against the order of the Eastern Regional Committee/ NCTE only by online mode and submission of hard copies two days thereafter, addressed to the Member Secretary, NCTE.

The appeal stands allowed to the extent indicated above.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

SONALI/HR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2022
Transmission Date	NA

