

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 1749 of 2020

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S.M. Zaheer Alam Teachers Training College, At+P.O.+P.S.- Bahera, District – Darbhanga (Bihar)
through its Secretary Dr. S.M. Ali Imam, Son of Late S.M. Zareef.

... .. Petitioner/s

Versus

1. National Council for Teacher Education (NCTE) through its Chairperson, Wind- II, Hans Bhawan, 1, Bahadur Shah Zafar Marg, New Delhi.
2. Regional Director, Eastern Regional Committee (ERC) N.C.T.E., 15-Nilkantha Nagar, Nayapalli, Bhubneshwar, Odissa.

... .. Respondents/Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate

Mr. Sanjay Kumar, Advocate

For the Respondents : Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

07 31-08-2020

Heard Mr. P.N. Shahi, learned Senior Advocate for the petitioner and Mr. Sunil Kumar Singh, learned Advocate for the N.C.T.E.

This writ petition was initially filed against the order dated 21.12.2019 passed by the E.R.C.-N.C.T.E., restraining the petitioner/college for admitting students for the academic year 2020-2021 on the grounds of some litigation pending adjudication before the High Court of Judicature at Patna.

Over a passage of time, the dispute with respect to the eligibility of the Institution for getting recognition from E.R.C.-N.C.T.E. was resolved. However, there was some objection of the recognizing body with respect to the appointment of the Principal and four of the faculty members, who according to the N.C.T.E. were not having the requisite qualification.

In response to the aforesaid objection, it was urged on behalf of the petitioner on the earlier occasion that the objections were not tenable in as much as the Proforma of 16 such teachers/faculty members were required to be given and the petitioner had given a list of 24 of such faculty members. The other requirement of furnishing the details of the construction/infrastructure also had been provided.

Despite this, it has been urged that there was a further objection by the N.C.T.E. and a fresh notice was given to the petitioner. This Court vide order dated 14.07.2020 directed the N.C.T.E. to consider the response of the petitioner/college in its entirety and then take a decision with respect to granting recognition to the Institution and lifting the ban on taking admission of the students for the academic year 2020-21.

Mr. Shahi, learned Senior Advocate for the petitioner/college has today informed this Court that whatever was demanded of the petitioner/college has been furnished and only because of the lock down in the University, such information/documents have not been countersigned by the University. He further submits that in case any information furnished by the petitioner/college is ultimately found to be incorrect, necessary action may be taken by the N.C.T.E. but not furnishing of countersigned documents should not be made the basis for preventing the petitioner/college from admitting students for the academic year 2020-21.

By way of supplementary affidavit, this Court has been informed that on 05.08.2020 also, N.C.T.E. had asked the petitioner to furnish certain other information which has also been done. The only

glitch today is that such information/documents have not been countersigned by the University.

Mr. Sunil Kumar Singh, learned Advocate for the N.C.T.E. has, however, submitted that in the absence of the University ratifying the information furnished by the petitioner/college, it would be difficult for the N.C.T.E. to grant recognition or to lift the restraint from the college for admitting the students for the concerned academic year.

This Court takes note of the submissions advanced on behalf of the petitioner/college that now with the publishing of the tentative date for the examination for B.Ed. course, severe damage would be done to the prestige of the Institution if the ban is not lifted. Any information, if found to be incorrect, would render the recognition of the petitioner/college liable to be cancelled or to any other action by the N.C.T.E. which would be appropriate in terms of the by-laws of the organization.

Considering the aforementioned aspects of the matter, this Court is of the view that no useful purpose would be served in allowing the restraint order to continue, more so, when all the documents demanded from the petitioner/college has been furnished. A judicial notice can be taken of the fact that the University and Educational Institutions have not opened till date because of the COVID-19 pandemic.

Under the aforesaid circumstances, this Court disposes of the writ petition by a direction that the petitioner/college would be permitted to admit students for the said academic year but in case any information furnished by the petitioner/college is not found to be correct, necessary action can be taken by the N.C.T.E. by way of derecognizing the college. If such an event takes place, then the petitioner/college shall be responsible for reimbursing the students of the fee which they would have deposited.

The petitioner/college is also directed to furnish the documents countersigned by the University once the University opens after the pandemic.

As a result of the aforesaid, the order dated 21.12.2019 so far as it relates to the petitioner/college passed by the E.R.C.-N.C.T.E. contained in Annexure-1 series is quashed.

With the aforesaid direction/observation, the writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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