

(2007) 03 PAT CK 0161

Patna High Court

Case No: CWJC No. 9817 of 2002

Millia Fakhruddin Ali Ahmad
B.Ed. Teacher Training College

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: March 1, 2007

Citation: (2007) 3 PLJR 329

Hon'ble Judges: Barin Ghosh, J

Bench: Single Bench

Advocate: H.P. Singh, S.N. Pathak, Sanjay Kr. Giri, for the Appellant; Sunil Kr. Mandal for the State, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Barin Ghosh, J.

The State Government accorded recognition to the Petitioner-Institution for imparting B.Ed. Course. This recognition was continuing when the National Council for Teacher Education Act, 1993 came into force. The moment the Act came into force, by reason of the mandate contained in the Act, the earlier recognition granted by the State Government continued for six months from the date of coming into force of the Act. Subsequent thereto by reason of the mandate contained in the Act, such recognition lost its force. After coming into force of the said Act, only the National Council for Teacher Education could grant recognition to an institution to impart B.Ed. Course. The Act directed that the moment such recognition is accorded, the examining authority would grant affiliation to such institution. Therefore, after coming into force of the Act, the State Government had no role to play in the matter of recognition or derecognition of the institution for imparting B.Ed. Course. In the instant case, after the Act came into force, the State Government purported to withdraw the recognition, as was given by it, to the petitioner. Such withdrawal having regard to the mandate contained in the Act is of no effect.

2. It appears that against an order passed by the Eastern Regional Committee, National Council for Teacher Education, Bhubaneswar, an appeal preferred before the National Council for Teacher Education succeeded by an appellate order dated 31st August, 2001 when the matter was remanded back with a direction upon the Eastern Regional Committee to re-examine the matter afresh. In the Writ Petition it is complained that the Eastern Regional Committee is sitting tight over the matter.

3. In those circumstances, the Writ Petition is disposed of by directing the petitioner to submit to the Eastern Regional Committee such informations, particulars and documents, of which re-examination has been directed by the appellate order dated 31st August, 2001 within two months from today. In the event the petitioner has already submitted the same, it would indicate the same in a letter giving particulars as to when those had been furnished. Upon receipt of those papers, the Eastern Regional Committee shall discharge its obligations in terms of the appellate order dated 31st August, 2001 in accordance with law and shall verify all matters which have been directed to be verified by the said order dated 31st August, 2001. In the matter of such verification, it shall be entitled to call for all and every document, particulars and informations from the Petitioner-Institution. In the event, the Eastern Regional Committee has already discharged its obligations in terms of the said appellate order dated 31st August, 2001, this order will have no effect.