

**(2011) 06 JH CK 0017**

**In the Jharkhand High Court**

**Case No : Writ Petition (C) No. 5686 of 2010**

R.S. Teacher's Training College

APPELLANT

Vs

The National Council for Teacher Education and Others

RESPONDENT

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**Date of Decision : 09-06-2011**

**Acts Referred:**

**Citation : (2011) 3 JCR 374**

**Hon'ble Judges : Poonam Srivastava, J**

**Bench : Single Bench**

**Final Decision : Allowed**

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## **Judgement**

Poonam Srivastav, J.—Heard counsel for the Petitioner as well as counsel appearing on behalf of the National Council for Teacher Education.

2. The Petitioner is aggrieved by order dated 01.10.2010 passed by National Council for Teacher Education, New Delhi (hereinafter to be referred as "the NCTE") and also the order dated 18.05.2010 passed by Respondent No. 3, whereby the application of the Petitioner for recognition of teaching B.Ed. Course in the college has been refused. The two orders have been annexed as Annexures 8 and 6 respectively.

3. The Petitioner moved an application in accordance with the Rules published in the Gazette of India [Extraordinary] PartIII, Section 4 National Council For Teacher Education, New Delhi dated 31.08.2009. The application was liable to be made online in accordance with the Rules framed and the processing of application was made in accordance with Rule7.The applicants were essentially required to furnish online application along with the under noted documents and the application could be treated to be within consideration zone if the documents were complete.

1. Institutions established by or under the authority of Central or State Government or Union Territory Administration. 2. Institutions financed by Central or State Government or Union Territory Administration.

3. All Universities, including institutions deemed to be universities, so recognised or declared, as the case may be, under the University Grants commission Act, 1956.

4. Self financed educational institutions established and operated by "not for profit" Societies and trusts registered under the appropriate laws. 4. It appears that the Petitioner had forwarded an amount of Rs. 5 lacs towards endowment and Rs. 3 lacs towards reserve funds, besides other documents.

5. Submission is that the application on behalf of the Petitioner was wrongly rejected since admittedly, the aforesaid amount was deposited, vide F.D.R. Nos.

780186 and 476657 respectively. However, it transpires on perusal of the record that the original copy of the Trust deed or its certified copy was not furnished.

Explanation is that the original was not available at the relevant time. Besides, minor deficiencies were pointed out in the application which, in fact, the Petitioner had rectified subsequently and, therefore, the application could not be rejected.

6. I have heard counsel for the Respondents. It is evident that certain shortcomings were there and, therefore, the impugned orders were passed refusing recognition of B.Ed. Course. I have examined the Rules as well as various documents and also the orders as pointed out. The certificate issued by the Anchal Adhikari, Baghmara, which is annexed as Annexure5 also does not mentions name of the Institution, but it is in the name of Prabhash Kumar Sah, Secretary of the Institution.

7. In the facts and circumstances, the impugned refusal is justified. Therefore, I decline to interfere and quash the impugned orders in the writ petition. Learned Counsel has brought to my notice certain amended Rules which says that if there are deficiencies in the application, the same is removable. Now, the Rules stands amended in as much as deficiencies which are rectifiable cannot be said to be fatal. However, the said amendment in the Rules are subsequent to the rejection of the Petitioner's application. He is always entitled to apply in the next academic year. It is not a permanent refusal. Accordingly, the writ petition is dismissed.

8. It is made clear that the rejection of writ petition shall not stand in the way of the Petitioner in future Affiliation permitting B.Ed. Course. It is open to the Petitioner to apply in the next session. In case, the Petitioner apply again the Respondents shall examine the application on its own merit.

9. So far return of the processing fee of Rs. 40,000/, which was deposited by the Petitioner, shall be returned in the event the application to this effect is made by the Petitioner.