

IN THE HIGH COURT OF JHARKHAND AT RANCHI.
W.P.(C) No. 4762 of 2014

.....
Radhanagar Institute for Teacher Education
Ghatshila, Singhbhum East.

..... **Petitioner**

Versus

1. Union of India through the Secretary, Human Resources Development Department, Government of India, New Delhi
2. National Council for Teacher Education through its Secretary, New Delhi
3. Regional Director, Eastern Regional Committee, National Council for Teacher Education, Bhubaneswar, Odisha.

..... **Respondents**

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CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH

For the Petitioner	:	Mr. P.K. Mukhopadhyay, Advocate
For the Respondents	:	Mr. Devanand Kumar, C.G.C. Ms. Bakshi Vibha, Sr.P.C.

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02/18.07.2016: By the impugned orders dated 31st December, 2013 and appellate order dated 8th July, 2014 (Annexure-4 and 5) the Regional Director, Eastern Regional Committee of National Council for Teacher Education (NCTE) and the Appellate Authority, NCTE have refused recognition to the petitioner, as it did not satisfy the required conditions of sufficient area of land for establishment of a Teacher Training Institute at village Aamchuria, P.O. Badakhurshi, Taluka Ghatsila, City Ghatsila, District East Singhbhum. Petitioner had applied for grant of recognition for D.El.Ed. Course of two years duration under Section 14 of the NCTE Act, 1993 on 31st December, 2012 on line and also by way of written application on 8th January, 2013.

Counsel for the petitioner submits that there are no fresh instructions in the matter. Though at the time of application the petitioner was not having sufficient area of land for establishment of Institute, but later on it had acquired certain more land by a sale deed (Annexure-2). On these grounds petitioner's application was rejected. Learned counsel

is not able to dispute that on the date of application the required conditions relating to land were not fulfilled by the petitioner. He submitted that if the provisions of NCTE Act, 1993 permit making of a fresh application with all necessary particulars and on fulfillment of the required criteria, petitioner may be allowed to approach the competent authority under the NCTE for consideration of his request for establishment of the Institute.

Learned counsel for the Union of India does not have any objection to the said request, provided provisions of the Act and the Regulations framed thereunder permit the petitioner to do so.

In such circumstances, no determination is required to be made on the original prayer of the writ petition. Needless to say, if the provisions of NCTE Act, 1993 and the guidelines/regulations framed thereunder permit such an applicant to make a fresh application, it is open for the petitioner to do so.

Writ petition stands disposed of.

(Aparesh Kumar Singh, J.)

Shamim/