

**Suresh Kumar Roy and anr. Vs. the State of Bihar and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/123785](http://sooperkanoon.com/123785)

**Court :** Patna

**Decided On :** Aug-10-2007

**Judge :** J.N. Bhatt, C.J. and Mihir Kumar Jha, J.

**Acts :** [National Council for Teacher Education Act, 1993](#) - Sections 14, 14(1), 14(3) and 14(4); [Constitution of India](#) - Article 226

**Appeal No. :** LPA No. 109 of 2007

**Appellant :** Suresh Kumar Roy and anr.

**Respondent :** The State of Bihar and ors.

**Advocate for Def. :** J.P. Shukla, Sr. Adv., S.N. Pathak, Adv., Rajesh Kumar, G.P.8 and Rajesh Kumar, JC.

**Advocate for Pet/Ap. :** Basant Kumar Choudhary and Nirmal Kumar Sinha 3, Advs.

**Disposition :** Appeal dismissed

**Prior history :** J.N. Bhatt, C.J. 1. In both these Letters Patent Appeals under Clause 10 of the Letters Patent of the Patna High Court, common questions of law are involved. Therefore, upon request of the learned Counsels for the parties, they have been heard together and are taken up simultaneously for decision by this common judgment. 2. While in L.P.A. No. 109 of 2007, the challenge is against the order of the learned Single Judge, dated 6.11.2006, recorded in CWJC No. 9325

of 2006, in LPA No. 160 of 2007,

**Judgement :**

J.N. Bhatt, C.J.

1. In both these Letters Patent Appeals under Clause 10 of the Letters Patent of the Patna High Court, common questions of law are involved. Therefore, upon request of the learned Counsels for the parties, they have been heard together and are taken up simultaneously for decision by this common judgment.

2. While in L.P.A. No. 109 of 2007, the challenge is against the order of the learned Single Judge, dated 6.11.2006, recorded in CWJC No. 9325 of 2006, in LPA No. 160 of 2007, the challenge is against the order, dated 27.9.2006, passed in CWJC No. 5436 of 2006 by the learned Single Judge. By the impugned orders, both the writ applications came to be dismissed, firstly, on the ground that list of recognized Teachers' Training colleges did not include the college, namely, Rahmania Primary Teachers' Training College, Chit Bhagwatipur, Chandwara, District Muzaffarpur (Training College), where the original writ petitioners, appellants before us, studied and secondly, that the examinations in question were held in the years 1988 and 1989, whereas, writ petitions came to be filed in the year 2006, i.e., after long delay of more than 15 years. Therefore, it suffers from the vice of delay, laches and acquiescence.

3. There is no dispute about the fact that in both the cases the original writ petitioners-appellants were admitted and received training in the Training College, which is not a recognized institution. The original writ petitioners - appellants, having passed the matriculation examination, had taken the admission in the said training college for the academic sessions 1986-88 and 1987-89. After completing the course, they appeared at the examinations conducted by the Bihar School Examination Board, but their results have not yet been published. Therefore, the original writ petitioners-appellants approached earlier on several occasions the respondents-authorities to publish the result, but their efforts ended in smoke. As a measure of last resort, they knocked the door of justice by way of filing writ applications under Article 226 of the Constitution for publication of their result by

the respondent Examination Board which came to be dismissed on the aforesaid two grounds, as stated hereinbefore.

4. Considering the submissions and factual profile, in our opinion, the issue as to whether any legal right had accrued to a candidate or student of an unrecognized college to direct the respondents to publish the results of the examinations in question and whether any violation of right and non-performance of legal duties have occurred, which could be remedied, has been dealt with in several decisions of this Court placing reliance on the decisions of the Hon'ble Apex Court.

5. Section 14 of the [National Council for Teacher Education Act, 1993](#), (NCTE Act) is very clear on this point. It cannot be disputed that earlier National Council for Teacher Education was set up in 1973, by a Government Resolution pertaining to the teacher education and its status and role had so far been purely advisory and mainly due to this reason, it has had very little impact on the standards of teacher training institution and thus it could not make more impact on the mechanism and standard of teacher training institution in this country. Later on, the NCTE Act was brought into force with a view to maintain standards of teacher education and provide necessary resources and capacity of accredited institution of teacher education as also to provide guidance regarding curricula and methods. For the consideration of the merits of the present appeals, let us examine the provisions of Section 14 of the NCTE Act which reads here as under:

14. Recognition of institutions offering course or training in teacher education. - (1) Every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations:

Provided that an institution offering a course of training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an application for recognition within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under Sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application by the Regional Committee from any institution under Sub-section (1), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall -

(a) If it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution, subject to such conditions as may be determined by regulations; or

(b) If it is of the opinion that such institution does not fulfil the requirements laid down in Sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing;

Provided that before passing an order under Sub-clause (b) the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a writing representation.

(4) Every order granting or refusing recognition to an institution for a course or training in teacher education under Sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the local authority or the State Government and the Central Government.

(5) Every institution, in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under Clause (b) of Sub-section (3).

(6) Every examining body shall, on receipt of the order under Sub-section (4), -

(a) grant affiliation to the institution, where recognition has been granted; or

(b) cancel the affiliation of the institution, where recognition has been refused.

6. It could very well be visualized from the aforesaid statutory provision that a recognized teachers training college can only impart training to the teachers. A cut off date '18.2.1996' has also been carved out in the Act. Therefore, every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may for the grant of recognition under the provisions of Section 14 of the NCTE Act, is obliged to make an application to the Regional Committee concerned in such form and in such manner prescribed by the regulation.

7. On the facts of the present case, there is no material to show that any attempt for recognition was made. There is also not clear explanation as to why 15 years were allowed to be lapsed before knocking the door of justice and, that too, the constitutional writ jurisdiction under Article 226 of the [Constitution of India](#).

8. In this connection, we are of the opinion that following decisions of this Court are attracted on all forces:

(i) 2005 (4) PLJR 607 (Arajkaiya Khwaja Shahid Hussain Primary Teachers Training College v. The State of Bihar and Ors.;

(ii) LPA No. 193 of 2007, disposed of on 15.3.2007 (Nibha Kumari and Ors. v. The Central, Board of Secondary Education and Ors.);

(iii) LPA No. 158 of 2007 disposed of on 28.2.2007 (Central Board of Secondary Education v. Bharat Singh and Ors.);

(iv) LPA No. 515 of 2006, disposed of on 7.2.2007 (Jamil Akhtar and Ors. v. The State of Bihar and Ors.)

9. After having considered the factual profile as well as legal scenario, we find no reason to interfere with the impugned orders of the learned Single Judge. Accordingly, these appeals, being meritless, deserve to be dismissed.

In the result, both the appeals shall stand dismissed. No costs.

