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Court : Jharkhand

Decided On : Apr-19-2006

Reported in : [2006(3)JCR417(Jhr)]

Judge : S.J. Mukhopadhaya, J.

Acts : [National Council for Teacher Education Act, 1993](#) - Sections 14(1) and 16; National Council for Teacher Education (Determination of Qualification and Recruitment of Teachers) Regulation, 2001

Appeal No. : W.P.(S) No. 151 of 2006

Appellant : Kumar Jayanta and anr.

Respondent : The State of Jharkhand and ors.

Advocate for Def. : Kundan Kumar Ambastha, J.C. to S.C.III

Advocate for Pet/Ap. : Bhanu Kumar, Adv.; Sanjay Piprawall, Adv.

Disposition : Writ petition dismissed

Judgement :

S.J. Mukhopadhaya, J.

1. The petitioners applied for appointment as Trained Teachers, in pursuance of Advertisement dated 24th August, 2002, issued by the Jharkhand Public Service

Commission (hereinafter referred to as the 'J.P.S.C.'). They competed in written test but were not provided with the appointment letters.

2. The, stand taken by the respondents is that the Institute from which the petitioners obtained B.Ed degree, is not recognized by the NCIE.

3. On the other hand, according to the counsel for the petitioners, the Institute being recognized by the University of Burdwan (West Bengal), the respondents cannot deny the appointment on the ground that the institute has not been recognised by the NCTE, He also relied on certain other provisions to suggest regularization in the matter of appointment for the teachers.

4. From the letter dated 29th August, 2005 issued by the petitioners Institute namely 'Sri Ram Krishna Sarada Siksha Sikshan Mandir, Hoogly', it appears that the Institute, in question, is affiliated by the University of Burdwan and sanctioned by the Government of West Bengal, but it has not yet been recognized by the NCIE.

5. Similar matter fell for consideration before this Court in the case of Dilip Kumar Gupta and Ors. v. State of Jharkhand and Ors. reported in , wherein the Court made the following observations:

35. In the facts and circumstances, having regard to the guidelines, issued by the State from time to time, and the provisions of the Ordinance, Acts and Rules, as discussed above, in my considered-opinion:

(a) Recognized Institute' means an institution recognized or established by State Government or Union Government or by Statutory Bodies/Organizations, maintained and controlled by either State Government or Central Government or recognised university or affiliated by a recognized University for importing education (training herein) :

(b) After 1st July, 1995 or at best for another period for six months i.e. after 1st January, 1996 nobody, offering a course or training in Teachers Education, can run the institute without prior recognition by the N.C.T.E., there being bar to run such institute under Sub-section (1) to Section 14 of the N.C.T.E. Act, 1993.

(c) Even if a Teachers Training Institute is affiliated to a University, recognized by the University Grant Commission, no Teachers Training Examination can be held by the University whether provisional or otherwise, for the students of such Teachers Training College after 1st January, 1996, if the institute is not recognized by the N.C.T.E. in view of Clause (b) to Section 16 of the N.C.T.E. Act, 1993;

(d) A person, who has completed and obtained a Degree/Diploma/Certificate in Teachers Training Course prior to 31st January, 1996, i.e. six months after promulgation of the N.C.T.E. Act, 1993 from an institute, recognized or established by the state Government or Union Government or by Statutory Bodies/Organizations, maintained and controlled by either State Government or Central Government or recognized University or affiliated by a recognized University for imparting Teachers Training Education, is eligible for appointment to the post of Primary Teacher, if otherwise found fit; and

(e) Since 4th September, 2001 i.e. the date N.C.T.E. (Determination of Qualification and Recruitment of Teachers) Regulation, 2001 came into force, no untrained person can be appointed to the post of Primary Teacher.

6. In view of the finding given in the case of Dilip Kumar Gupta (supra), and the case of the petitioners being covered by the said judgment, no relief can be granted.

7. The writ petition is dismissed.

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