

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No.2956/2023
CM No.7068/2023

1. Guru Teg Bhadur Institution of
Elementary Teacher Training, Lakhanpur
Kathua, Head Office 26-B, Extension
Karan Nagar, Jammu through its
Chairman, S. Vardeep Singh age 51 years
S/o Late S.Nihal Singh R/o Chak Gota,
Lakhanpur, Kathua.
2. Paras Institute of Elementary Teacher
Training, Hatli Morh, Kathua, through its
Chairman Sh. Rajinder Parkash age 61
years S/o Sh. Tilak Raj R/o W.No.6
Kathua.
3. Sarvodhya Institute of Elementary
Teacher Training, Sukrala Devi Billawar
through its Chairman Sh. Brij Raj Singh
age 64 years S/o Late Sh. Balwant Singh
R/o Khanpur P.O Camp Gole Gujral,
Jammu.

....Petitioners

Through :- Mr. Jasvinder Singh, Advocate.

V/s

1. Union Territory of Jammu and
Kashmir through Commissioner-
cum-Secretary to Government,
Education Department, J&K Govt.
Civil Sectt. Jammu.
2. Chairman, J&K Board of School
Education, Rehari Colony, Jammu.
3. Secretary, J&K Board of School
Education, Rehari Colony, Jammu.

....Respondent(s)

Through :- Mr. Sumit Bhatia, GA.
Mr. B.S Bali, Advocate.

**CORAM: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

ORDER
20.12.2023

1. The petitioners' Elementary Teacher Training Institutes duly established in accordance with law and granted the recognition/NOC by the erstwhile State of Jammu and Kashmir for imparting instructions of Elementary Teachers Training Course, now named as Diploma in Elementary Education, seek a writ of mandamus commanding the respondents to issue NOC/affiliation to the petitioners' institutes for running the Elementary Teachers Training Course, Session 2023-2024. Additionally, the petitioners pray for a direction to the respondents to allow the petitioners' institutes to participate in the centralized admission/counseling process for ETT course and also to allot students for the Session 2023-2024.

2. Respondent Nos.2 and 3 have filed the objections raising preliminary objections with regard to maintainability of the petition. It is contended in the objections that after enactment of J&K Reorganization Act, 2019, the National Council for Teachers Act 1991 along with NCTE Regulations 2014 is applicable to the Union Territory of Jammu and Kashmir and, as per the said Act and Regulation, the permission/recognition has to be granted in favour of the petitioners' institutes to run two years Diploma in Elementary Education Course for a particular Session by NCTE/the Northern Regional Committee constituted by the National Council for Teachers Education, New Delhi, which is the only competent authority, therefore, in absence of National Council for Teachers Education as party respondent, this petition cannot be termed as maintainable.

3. At this stage, learned counsel appearing for the petitioners submits at the Bar that the petitioners would be satisfied, in case this petition is disposed of, with a direction to the respondents to consider the claim of the petitioners as projected in the petition within a certain time frame. His statement is taken on record.

4. In view of the statement made by learned counsel for the petitioners, it would be appropriate to dispose of this petition, instead of keeping the same as pending consideration and as such, this petition is, disposed of, with a direction to the respondent Nos.2 and 3 to consider the grievance of the petitioners as projected in the petition, strictly under rules, regulations permissible to the field, provided they are competent authority to do so. Let this exercise be undertaken by the respondent Nos. 2 and 3 within a period of one week from today. Petitioners shall provide a copy of the petition along with copy of this order to the respondents at the earliest.

5. The petition stands disposed of along with connected application.

(Rajesh Sekhri)
Judge

(Tashi Rabstan)
Judge

Jammu:
20.12.2023
Surinder

Whether the order is speaking?
Whether the order is reportable?

Yes/No
Yes/No