

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) 3264/2023 CM(7907/2023)

SAWAN ETT INSTITUTE KATHUA AND ANOTHER

...Petitioner(s)/appellant(s)

Through: Mr. Nitin Bhasin, Advocate

Vs.

U T OF J AND K AND OTHERS

...Respondent(s)

Through: Mr. B. S. Bali, Advocate for R 4
Mr. Sumeet Bhatia, Advocate for R 1
Ms. Saliqa Sheikh, Advocate for R 3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE

O R D E R
29.12.2023

Heard learned counsel for the petitioners and learned counsels appearing for respondents 1, 3 & 4.

2. Considering the nature of the case, we are of the view that the present petition can be disposed of at this stage without issuing notice to the respondents. The plea of the petitioners is that they have been running the institutions under the name of Sawan ETT Institute, Kathua and Kartar Teacher Training & Research Institute Barnoti, Kathua for imparting elementary teachers course now named as Diploma in Elementary Education (D.El.Ed) for more than one and half decades as per the relevant norms as were applicable in the erstwhile State of Jammu & Kashmir. However, after the re-organization of State of Jammu & Kashmir in the year 2019, the norms came to be changed and these came to be governed by the norms and standards of National Council for Teacher Education (NCTE). Since, there were certain differences in the norms, these were considered by the NCTE, and the NCTE had been exempting these institutes which have been granted

affiliation by the erstwhile authorities. In the present case, the petitioners had submitted application for grant of affiliation for the session 2023-2025, however, the respondent No. 04 - J&K Board of School Education vide letter dated 12.12.2023 informed the petitioners that the concerned sub-committee found certain deficiencies because of which affiliation could not be granted. The petitioners claim that pursuant thereto the petitioners had removed the deficiencies which would entitle the petitioners for the grant of affiliation. Unfortunately, respondent No. 04 has not done anything towards it and the petitioners have been compelled to approach this Court.

3. It has been submitted by Mr. Nitin Bhasin, learned counsel appearing for respondent No. 04 that according to the Notification dated 02.07.2018 issued by the Government of Jammu & Kashmir, School Education Department which lays down the norms for grant of affiliation, it has been provided in Para 4(b) thereof which provides for inspection procedure wherein it has been mentioned that if such deficiencies have been rectified, the respondent No. 04 shall constitute an inspection committee within 10 days and submit a report within 15 days of the appointment of the committee and the competent authority shall examine the report so received and take a final decision thereon within a period of 30 days. Under the circumstances, it has been submitted that since the petitioners had rectified the deficiencies with the board, the respondents may be directed to constitute a committee in terms of the aforesaid notification dated 02.07.2018 and inform the decision to the petitioners.

In view of the innocuous prayer made by the petitioners, we dispose of the petition with a direction to respondent No. 04 to re-constitute a committee to examine whether the petitioners have rectified the deficiencies and necessary decision shall be taken with regard to the application for

affiliation of petitioners institutions for the academic session 2023-2025. It goes without saying that if the petitioners are aggrieved by the decision taken by the J&K Board after inspection of their institutions, the petitioners shall be at liberty to approach this Court again. Accordingly, the petition is disposed of with the above observations and directions.

(M. A. CHOWDHARY)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

SRINAGAR
29.12.2023
Aamir

