

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Civil Writ Petition No.10533 of 2015

Date of Decision: 25.05.2015

Udey Singh Arya Education Society

..... Petitioner

Vs.

NCTE (National Council for Teacher Education) and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Saurabh Dalal, Advocate for the petitioner.

JASWANT SINGH, J. (Oral)

The petitioner-Society is seeking grant of recognition for starting a new Course, namely, Diploma in Elementary Education (Co-Ed.) at the premises situated in VPO Panchi Jatta, Tehsil Gannaur, District Sonapat.

It transpires that the State Government, vide its letter dated 26.04.2013 (**Annexure P-6**) gave its opinion refusing adding of any further intake/capacity for the said Course in any of the Institution in the light of the supply of such Teachers being much more than their demand.

This recommendation of the State Government is statutorily permissible under the Regulation 7 of NCTE Regulations. Thereupon, National Council for Teacher Education/ respondent No.1 (for short 'NCTE') has issued the impugned Show Cause Notice dated 05.01.2015 (**Annexure P-3**) to the petitioner-Society regarding the consideration of the application seeking such an approval in the light of **P-6**. The petitioner is stated to have filed its reply on 30.03.2015 (**Annexure P-4**) and the outcome is awaited.

In the present writ petition, a writ of mandamus has been sought to the NCTE for grant of approval by ignoring the recommendation of the State Government and for appropriate decision at the earliest.

After hearing learned Counsel for the petitioner, this Court is not persuaded to issue any such direction.

In the scheme of the procedure prescribed under NCTE Regulations, even if the opinion of the State Government is delayed, before grant of any recognition, the same if germane to the issue is required to be considered keeping in view the larger interest of the public.

In the present case, only a Show Cause Notice (**P-3**) has been issued and the petitioner has replied to the same, therefore, at this stage no case for issuance of a direction is made out.

Dismissed as pre-mature.

May 25, 2015

Gagan

**(JASWANT SINGH)
JUDGE**