

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 12426 of 2015

Netaji Educational Society, Danoda

... Petitioner(s)

Versus

The National Council for Teachers Education and Another

... Respondent(s)

2. Civil Writ Petition No. 12427 of 2015

Dashmesh Education Society

... Petitioner(s)

Versus

The National Council for Teachers Education and Another

... Respondent(s)

3. Civil Writ Petition No. 12428 of 2015

Shri Lajja Ram Shiksha Sansthan

... Petitioner(s)

Versus

The National Council for Teachers Education and Another

... Respondent(s)

4. Civil Writ Petition No. 12450 of 2015

Shaheed Captain D.K.Khola Education & Charitable Trust

... Petitioner(s)

Versus

The National Council for Teachers Education and Another

... Respondent(s)

AND

**Civil Writ Petition No. 12426 of 2015
And Other Connected Petitions**

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5. Civil Writ Petition No. 12459 of 2015

Triveni Shiksha Samiti

... Petitioner(s)

Versus

The National Council for Teachers Education and Another

... Respondent(s)

Date of Decision: 28.10.2015

CORAM: Hon'ble Mr. Justice G.S.Sandhawalia.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Pankaj Maini, Advocate
for the petitioner(s).

Mr. Ashish Rawal, Advocate
for the respondents.

G.S.Sandhawalia, J.(Oral)

The present judgment shall dispose of five writ petitions i.e. Civil Writ Petition Nos. 12426 of 2015, 12427 of 2015, 12428 of 2015, 12450 of 2015 and 12459 of 2015. For decision of these petitions, the facts are being taken from Civil Writ Petition No. 12426 of 2015.

The petitioner-Society seeks a writ in the nature of Mandamus for consideration of proposal form submitted on 8.6.2015 (when the proposal form was again re-submitted which was earlier submitted on 4.1.2013). The re-submission was in view of the 238th meeting issued by the respondent No.2-Council in its meeting held from 20.5.2015 to 31.5.2015 (Annexure P2) under agenda item No. 238.3. The writ is accordingly prayed for that processing of the proposal forms of the petitioner-Society be done to protect it from suffering the loss of

another academic session.

The pleaded case of the petitioner is that it had applied for grant of recognition for Diploma in Elementary Education Course by completing all the formalities as stipulated by the respondents in their Rules & Regulations. The proposal form was submitted for running the college in the name of Sant Neki Ram Education Institute, Danoda, Jind in terms of the public notice issued by the respondents on 26.11.2012. It is an admitted fact that initially the forms were rejected on 11.9.2013 on account of the negative recommendations of the State Government. The petitioner's case is that the applications were again invited for the next academic session 2013-14 and the petitioner has re-applied on 8.6.2015. The petitioner's grouse is that vide the decision taken in the 238.3 agenda item, only the cases, in which there were court orders, were being processed inspite of their being negative recommendations of the State Government but the cases of other institutes were not being processed on merit. The said submission is firstly without any basis to the extent that admittedly the decision of the said agenda pertains to the period from 20.5.2015 to 31.5.2015 and it is the case of the petitioner itself that it had re-applied on 8.6.2015. Thus, the said agenda cannot be faulted by the petitioner at that point of time as its case was not a subject matter of consideration.

Learned counsel for the petitioner, however, to the extent is correct that the application dated 8.6.2015 is pending. The factum of the pendency of the application has not been denied in the written statement. In such circumstances, the petitioner's case for seeking

recognition under the National Council of Teacher Education Act, 1993 (hereinafter referred to as “the Act”) cannot be denied. Admittedly, the regulations which are in force namely National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (hereinafter referred to as “the Regulations”) came into force w.e.f. 28.11.2014. The procedure is provided therein for consideration and the respondent No.2 has to take decision on the basis of merits of the said application. It is the case of the petitioner that similarly situated case of K.R.College of Education pertaining to District Bhiwani was considered subsequently in the 241st meeting held on 7.8.2015, which has been placed on record as Annexure P4. The writ petition filed by the said institute, namely Civil Writ Petition No. 12476 of 2015, has also been dismissed today as infructuous and not pressed, whereby the said institute was asked to submit various documents for processing its case. The relevant part of the proceedings read as under:-

S. No.	File No.	Name of Institution	Course	Decision of NRC
XX	XXX	XXXX	XXX	XXXX
318	NRCAPP-5342	KR College of Education, Plot No. 52/59, Village- Jewali, Post Office-Jewali, Tehsil/Taluka- Charkhi Dadri, Distt. Bhiwani, Haryana – 127308	D.El.Ed.	The original file of the Institution along with other related documents, NCTE Act, 1993, Regulations were carefully considered by NRC and following observations were made. The institution shall be required to submit the following documents: (i) A proof/evidence to the effect that it is a

S. No.	File No.	Name of Institution	Course	Decision of NRC
				composite institution as per provisions of the NCTE Regulations, 2014. (ii) In case the institutions which are not composite at present shall ensure that they have become composite institutions before commencement of the academic session 2016-17. An affidavit to this effect is required to be submitted by the institution to the NRC/NCTE. (iii)No Objection Certificate issued by the concerned affiliating body as required under clause 5(3) of the NCTE Regulations, 2014.

In such circumstances, the petitioner is also entitled for similar treatment on its application on merits as per the 2014 Regulations. Accordingly, the present petition is disposed of with a direction to the respondent No.2 to consider the application of the petitioner as per the 2014 Regulations within a period of three months from the date of receipt of a certified copy of this order. Needless to say that the consideration will be for the coming academic session since the present academic session has already expired half way through.

October 28, 2015
"DK"

(G.S.Sandhawalia)
Judge