

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

**CWP No.9728 of 2015
Date of decision:18.11.2015**

Nakshatra Vidyapeeth

... Petitioner

Versus

National Council For Teachers Education & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Pankaj Maini, Advocate, for the petitioner.

Mr.Ashish Rawal, Advocate, for the respondents.

G.S. Sandhawalia , J. (Oral)

Challenge in the present writ petition is to the order dated 30.10.2014 (Annexure P22), wherein the Appellate Authority has upheld the order dated 28.01.2013 (Annexure P12).

The petitioner had applied for running of the Bachelor in Elementary Education course, which was rejected vide order dated 28.01.2013, which order was further upheld on 25.07.2013 (Annexure P16), initially by the Appellate Authority. The petitioner had approached this Court in CWP No.19023 of 2013 and this Court had set aside the order of the Appellate Authority vide order dated 26.05.2014 (Annexure P20) and directed that the appeal would be reconsidered, keeping in view the observations made in the said case. The dispute wherein was regarding the inter-

disciplinary activities between various departments within the institutions, as per Clause 6 (a) & (b) of Appendix 3 read with Clauses 7(ii) and 7(iii) of the NCTE Regulations, 2009. The issue was of integration of the Bachelor of Elementary Education Institution with other institutions, academic as well as co-curricular and for the use of basic facilities, such as, computers, library etc.

It is not disputed that in pursuance of the directions of this Court dated 26.05.2014, an inspection team went to the petitioner-Institute on 30.09.2014, to submit their report. The team was not allowed to visit the premises of the petitioner-Institute and accordingly, keeping in view the said fact, the impugned order dated 30/31.10.2014 had been passed, upholding the earlier view. It is also apparent that the show cause notice was issued to the petitioner on 18/19.09.2014 (Annexure P22), regarding the visit, for assessing various facilities. Relevant portion of the same reads as under:

- “i. To assess the facilities available in the institution for conducting the proposed B.El.Ed. course in accordance with the NCTE Norms and Standards for this course in general and with specific reference to the provisions contained in Para 6(b) of the NCTE Norms and Standards for B.El.Ed. Course.*
- ii. It will verify the course wise list of Teaching & Non teaching staff w.r.t. to the NCTE norms & standards prevailing at the time of their appointment, if applicable. It may also verify whether the staff is being paid as per NCTE norms (Documentary*

evidence in this regard may be obtained), if necessary.

lii. The Committee will record overall assessment of the institution comprehensively covering all aspects of the institution along with videography, if necessary.”

It is further a matter of record that the petitioner had chosen to challenge the show cause notice also by filing CWP No.20635 of 2014, which was eventually dismissed as withdrawn on 22.04.2015, on account of the impugned order being passed by the Appellate Authority. Thus, the Appellate Authority cannot be faulted for passing the present impugned order as the petitioner had not cooperated with the Council. The factual matrix is that the premises of the petitioner-Institute was to be assessed by visiting the premises, which was denied and therefore, the Appellate Authority was well justified in taking the view which has now been taken, upholding its earlier view. It is also not disputed that in the meantime, the 2014 Regulations have come into force from 28.11.2014, upon which, now, the counsel for the petitioner relies upon, to submit that his case should be reconsidered.

In such circumstances, this Court is of the opinion that respondent No.2 shall take a fresh decision on the application, which has already been filed, for recognition. It will be open to the said respondent to issue show cause notice and point out the deficiencies, as per the 2014 Regulations. The petitioner will be

given reasonable opportunity to remove the deficiencies and then a final decision will be taken, thereafter and fresh order for recognition will be passed, on the basis of the inspection report. Counsel for the petitioner assures this Court that the petitioner-Institute will cooperate with the visiting team in completing the inspection.

Needful be done within a period of 3 months from the receipt of a certified copy of this order.

The present writ petition is disposed of, in the above-said terms.

NOVEMBER 18, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE