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

(1)

**CWP No.3891 of 2016
Date of decision:04.05.2016**

G.M.T. College of Education

...Petitioner

Versus

State of Punjab and others

...Respondents

(2)

**CWP No.8291 of 2016
Date of decision:04.05.2016**

Ramandeep Kaur and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Rupinder Kaur Thind, Advocate,
for the petitioner in CWP No.3891 of 2016.

Ms. Sarika Gupta, Advocate,
for the petitioners in CWP No.8291 of 2016.

Mr. V. Ramswaroop, Addl. A.G., Punjab.

Mr. Subhash Ahuja, Advocate,
for respondent No.4 in CWP No.3891 of 2016.

Mr. Ashish Rawal, Advocate,
for respondent No.4 in CWP No.8291 of 2016.

Rakesh Kumar Jain, J.

This order shall dispose of two petitions bearing CWP No.3891
2016 titled as “G.M.T. College of Education vs. State of Punjab and others”
(hereinafter referred to as the “first petition”) and CWP No.8291 of 2016
titled as “Ramandeep Kaur and others vs. State of Punjab and others”
(hereinafter referred to as the “second petition”) as the issue involved in

both the cases is inter-dependent.

The facts of the first petition are that the petitioner-college was granted recognition by the National Council for Teacher Education (NCTE) under the provisions of the National Council for Teachers Education Act, 1993 (NCTE Act) on 05.02.2005 to run the B.Ed. Course with an annual intake of 100 seats. The recognition was subject to the condition that the affiliating University shall ensure that among other things, the institution has appointed required number of faculty members (including Principal/Head of Department), as per the norms of the NCTE/UGC/Affiliating University. The intake capacity of the petitioner-college was enhanced to 200 by the NCTE vide order dated 19.10.2007, which was again reduced to 100 vide order dated 03.07.2015. The petitioner-college sent the Annual Qualification Return to the Panjab University, Chandigarh (hereinafter referred to as the "University") in respect of its teaching staff on 04.09.2015. It is averred that three teachers, namely, Kamalpreet Kaur, Parminder Kaur and Paramvir Singh were relieved on 31.07.2015 as per the norms because of the excess staff and four other teachers, namely, Bhupinder Kaur, Karamjit Kaur, Rishi Kurichh and Amrita Sahney were also relieved on 02.11.2015. One teacher, namely, Navpreet Kaur left the college because of her own circumstances. However, it is alleged that the aforesaid teachers made a complaint to the University that though they have been attending the college from 13.07.2015 but the management is not allowing them to put their attendance. It is alleged that a similar complaint was made by the teachers to the NCTE, to which the petitioner filed a detailed reply and the NCTE filed the said complaint. It is further alleged that respondent No.2 constituted a Fact Finding Committee

to visit the college and to look into the complaint of the said teachers who had alleged that their services were terminated without notice. The Fact Finding Committee, which was comprising of 3 members, submitted its report on 22.08.2015 that since the college had admitted 31 students and admission process is on, the management should keep the same faculty for running the course and withdraw their termination letters. It was decided by the University that steps for disaffiliation of the petitioner-college be initiated as per the Regulations but in order to safeguard the interest of the students, they be shifted to the nearby colleges. The petitioner was informed on 19.01.2016 that since the decision has already been taken by the Syndicate of the University to disaffiliate the college, therefore, it may take options from the students, in which B.Ed. college they want to seek admissions, situated in District Ludhiana.

The argument raised by the petitioner is that once the recognition has been granted by the NCTE, the University has no jurisdiction to initiate the process of disaffiliation and relied upon a decision of this Court in the case of **Nancy College of Education and another vs. The Punjabi University, Patiala and others**, 2007(6) SLR 62.

On the other hand, counsel for the University has submitted that the petitioner was granted extension in affiliation on yearly basis and the affiliation for the session 2015-2017 has not been granted because of the reasons mentioned in the impugned order. It is further averred that as per the gazette notification dated 01.12.2014, the petitioner-college was bound to appoint 1 Principal + 7 Assistant Professors, which was communicated to the petitioner by the University on 02.01.2015. It is further alleged that the University had appointed a Fact Finding Committee comprising of three

members, namely, Dr. Jarnail Singh, Prof. Mukesh Arora and Dr. Parveen Kaur Chawla. The Committee, after inquiry, submitted its report to the University vide letter dated 22.08.2015 recommending that since the college has admitted 31 students and admission process was on, therefore, the management should keep the same faculty for running the course and withdraw the termination orders of the teachers but the same faculty was not found as per the norms, therefore, the affiliation has been withdrawn. It is also submitted by counsel for the respondents that the decision in **Nancy College of Education's case (supra)** is not applicable to the present case rather it is submitted that case of the petitioner is duly covered by the decision of this Court in the case of **Saint Solider Educational Society, Janakpuri, New Delhi and another vs. State of Punjab and others, 2009 (3) RSJ 246.**

Counsel for the University, while replying upon the decision in **Nancy College of Education's case (supra)**, has admitted that in that case, recognition was given by the NCTE after due inspection, with a condition that duly selected staff with requisite qualification will be appointed before the commencement of the academic session. However, the case of the petitioner in that case was that once the recognition has been granted, the affiliation would follow automatically whereas the stand of the University was that the conditional recognition was subject to the condition of compliance with the norms and as per norms, appointments were not made and the University was, thus, entitled to oversee the compliance of deficiencies with reference to norms laid down in the University Act as well as the NCTE Act and as per inspection report, the college was not found

complying with the norms and accordingly, decision for cancellation of affiliation was taken. It is further argued that insofar as the recognition is concerned, it relates to the infrastructure but affiliation relates to the faculty which is to be ensured by the University. It is further submitted that in the cited case, the NCTE had taken the stand that the petitioner-college fulfilled all the norms for recognition and in that background, the affiliation was ordered to follow.

However, the **Saint Solider Educational Society's case (supra)**, which has been relied upon by the respondents, also deals with the B.Ed. Course in which recognition was granted but the stand taken by the University was that in terms of the permission granted by the NCTE, the University was duty bound to inspect the college in respect of the faculty etc. It is observed in that case that the NCTE had granted recognition subject to fulfillment of all the requirements prescribed by the Regulatory Body which include the faculty also. The University was, thus, duty bound to examine the fulfillment of requirements as per the norms fixed by the NCTE itself and as per the norms, the petitioner-college should have regular teaching faculty but 7 members were found engaged on ad-hoc basis and in that background, it was stated that the norms fixed by the NCTE have not been satisfied by the petitioner-college in that case. Thus, it was held that the University was justified in refusing permission till such time proper teaching faculty is engaged by the petitioner-college as in the absence of proper teaching faculty, the standard expected in respect of imparting of teachers education is likely to suffer.

After considering the rival contentions and keeping in view the facts emerging from the record, it is apparent that the recognition granted by

the NCTE on 05.02.2005 was conditional to the effect that the affiliating University shall ensure that among other things, the institution has appointed required number of faculty members (including Principal/Head of Department) as per the norms of the NCTE/UGC/Affiliating University. Various teachers were relieved during the course, as admitted by the petitioner, and the Fact Finding Committee, constituted on the complaint of those teachers, had even recommended that the management should keep the same faculty and withdraw their termination letters, meaning thereby the faculty was not there as per the norms when the Fact Finding Committee visited the college.

Insofar as the decision in **Nancy College of Education's case (supra)** is concerned, it is based upon different facts and is not applicable, whereas the facts of **Saint Solider Educational Society's case (supra)** are quite near to the facts of the present case because in **Saint Solider Educational Society's case (supra)**, the teachers were not regular but were on ad-hoc basis but in the present case, the teachers are not working at all, having been relieved, and no return has been produced by the petitioner-college of replacement of those teachers immediately thereafter rather an application has been filed now to show the presence of the teachers in the college.

Thus keeping in view the aforesaid facts and circumstances, I do not agree with the contention raised by the petitioner and hence, the first petition is hereby dismissed.

Insofar as the second petition is concerned, it is filed by the 9 petitioners, who are the students of GMT College, petitioner in the first

petition, and have sought a *mandamus* directing the University to accept their examination forms and fees and to issue them roll numbers. Since the college of the petitioners has already been dis-affiliated and the direction has been issued to their college to adjust the students in the nearby colleges by taking their options, the petitioners cannot be allowed to take the examinations from the GMT College of Education.

Consequently, the second petition is also dismissed being denuded of any merit.

May 04, 2016
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(Rakesh Kumar Jain)
Judge