

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

CWP No.5301 of 2016

Date of Decision : 03.06.2016

Sai College of Education

... Petitioner

Versus

NCTE

... Respondents

CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present : Mr. Sameer Sachdeva, Advocate for the petitioner.

Mr. Ashish Rawal, Advocate for the respondent.

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

RAKESH KUMAR JAIN, J. (Oral)

This petition is filed to challenge the validity of the minutes of the 250th meeting of Northern Regional Committee of the National Council for Teacher Education (NCTE) in which the following decision was taken:

“The original file of the institution along with other related documents, NCTE Act, 1993. Regulations were carefully considered by NRC and following observation was made.

i) The institution is not running BA/B.Sc. courses as required under clause 2(b) of NCTE Regulations, 2014 for the proposed course.

ii) certified copies of land documents have not been submitted by the applicant institution.

Hence show cause notice under Section 14/15 (3)(b) of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of show cause notice.”

Pursuant to show cause notice, the petitioner filed reply on 29.02.2016, which is alleged to have been received by NRC on 03.03.2016. Reply was considered in the 252nd meeting of NRC in which the committee made the following observations:

“The original file of the institution along with other related documents, NCTE Act, 1993, Regulations and Guidelines of NCTE published from time to time were carefully considered by NRC and following observation was made.

The Committee decided to issue Letter of Intent under clause 7(13) of the NCTE Regulations, 2014 prior to grant of Formal recognition in compliance of the provisions as envisaged in NCTE Regulations, 2014 as well as guidelines issued by the NCTE Hqrs. thereof. The following documents are to be submitted in compliance of these provisions:-

1. Copies of the Fixed Deposit Receipt of Endowment Fund & Reserve Fund in the joint account of RD, NRC, NCTE & Society authority along with Bank from “A” verified by the Manager of the Bank.
2. Downloaded copies of the website of the institution with hyperlinks of the same as per

provisions of 7(14) of the NCTE Regulations, 2014.

3. List of faculty duly approved by the affiliating body along with related documents.

4. The applicant institution shall have to get the affiliation for B.A. B.Sc. courses from the affiliating university and after that grant of recognition under clause 7(16) of the NCTE Regulations, 2014 may be considered by the NRC, NCTE.”

According to the petitioner, matter qua Clause 4 of the aforesaid observation is pending because it provides that the petitioner institution shall have the affiliation for B.A. B.Sc. Courses from the affiliating university and after that it could be considered by the NRC as to whether recognition is to be granted or not. It is alleged that after this decision was taken, the petitioner made a representation dated 26.04.2016, which according to the respondent, shall be considered in the next meeting, which shall be held in the month of July.

Learned counsel for the petitioner has submitted that as per NCTE Regulations, 2014, regulation 8(10) provides that the university or examining body shall grant affiliation only after issue of the formal recognition order under sub-regulation (16) of regulation 7 and admissions by the institution shall be made only after affiliation by the university or affiliating body.

In this regard, he has referred to Section 16 of the NCTE Act, 1993, which also read as under:

“16. Affiliating body to grant affiliation after

recognition or permission by the council.

Notwithstanding anything contained in any other law for the time being in force, no examining body shall, on or after the appointed day,-

(a) grant affiliation, whether provisional or otherwise, to any institution; or

(b) hold examination, whether provisional or otherwise, for a course or training conducted by a recognized institution,

unless the institution concerned has obtained recognition from the Regional Committee concerned, under Section 14 or permission for a course or training under Section 15.”

Learned counsel for the respondent further submits that though the claim of the petitioner is that in the appendix of the LOI, for the programme of the BA/B.Ed. Course, the petitioner institution is required to have curriculum of both B.Sc./B.Ed. Programmes and for the purpose of the composite course the institute is required to have the faculty as prescribed under Clause 5.1.

I have heard learned counsel for the parties and perused the record.

It is alleged that the petitioner fulfills all the required conditions but the respondent has observed in the 252nd meeting that the petitioner-institution has to have the affiliation for B.A. B.Sc. courses which they have not obtained so far.

Be that as it may, the representation made by the petitioner is already pending with the NRC after the decision was taken in 252nd meeting and it is thus ordered that the said

representation shall be considered by the NRC in its forthcoming meeting, which is stated to be fixed in the month of July.

With these observations, the present petition stands disposed of.

June 03, 2016
jt

(RAKESH KUMAR JAIN)
JUDGE