

CWP No.17455 of 2016 (O&M)

[1]

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

**CWP No.17455 of 2016 (O&M)
Date of decision:01.05.2017**

Guru Nanak Dev College of Education ...Petitioner

Versus

The Northern Regional Committee and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.D.Anand, Advocate,
for the petitioner.

Mr. Sandeep Jasuja, Advocate,
for respondent nos.1 and 2.

None for respondent no.3.

Rakesh Kumar Jain, J. (Oral)

The petitioner has assailed the validity of the minutes of 255th meeting of the Northern Regional Committee (hereinafter referred to as the "NRC") of the National Council of Teachers Education (hereinafter referred to as the "NCTE") held from 2nd to 6th August, 2016, by which grant of recognition to the petitioner to start 4 Years B.A.B.Ed./B.Sc.B.Ed. Integrated Course for the academic session 2016-2017 has been deferred.

During pendency of the writ petition, the NRC passed the refusal/rejection order on 05.01.2017 in its 260th meeting held from 21st to 23rd November, 2016 on the ground that *"the institution is already running B.Ed.+M.Ed.+ETT courses with 2+1+1 units respectively. As per the norms, these courses can be run in 2000+500+500=3000 sq. mts. constructed area. Alongwith these courses the institution is proposing to start one unit of*

B.A.B.Ed./B.Sc.B.Ed., integrated course which again require 1500 sq. mts. built-up area as per the given norms. Actually institution is having only 4168 sq. mts. of building area which is less than the required 4500 sq. mts.”.

The petitioner produced Building Completion Certificate dated 28.04.2017, which is taken on record as Mark 'X', on the basis of which it is submitted that the petitioner has now constructed the building on the required 4500 sq. mts.

Counsel for the respondents, however, has submitted that as per the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (hereinafter referred to as the “Regulations-2014”), the petitioner was required to construct the building on an area of 5500 sq. mts. and in this regard, he has referred to the additional affidavit of Satish Gupta, Regional Director (I/C), NRC, NCTE, Jaipur, in which the following averments have been made:-

“For an additional intake of one hundred students, built up area is to be increased by 500 (five hundred square meter) and the requirement of additional land may not apply to them.

The petitioner institution is already running 2 units of B.Ed., 1 unit of D.El.Ed., 1 unit of M.Ed.. If calculated according to the table, the requirement of built up area shall be 4000 sq. mts. (2000+1500+500). Norms and Standards for 4 year integrated programme leading to B.A. B.Ed./B.Sc. B.Ed. Degree are provided in Appendix 13 Clause 6.1 provides for infrastructure, which is as under:-

“The department of Education shall possess 3000 sq. mts. (three thousand square mtrs.) of exclusive well demarcated land for the initial intake of one hundred students out of which 2500 sq. mts. shall be the build up area and the remaining space for lawns, play fields etc.”

For 1 unit (50 students) of B.A.B.Ed./B.Sc.B.Ed., 1500 sqm of built up area is required. Total built up area required by the institution for 1 unit of integrated course will be $4000+1500=5500$ sqm, whereas the institute has only 4168 sqm of built up area, which is not sufficient even for 1 unit of B.A.B.Ed.”

On the other hand, counsel for the petitioner has submitted that the calculation made by the respondents is incorrect. According to him, the NRC had given recognition to the petitioner to start B.Ed. Course with an annual intake of 100 seats w.e.f. 07.07.2005. It further granted recognition to start ETT course w.e.f. 01.09.2016, the intake of 100 seats was increased to 200 seats for the B.Ed. course w.e.f. 13.09.2007 and recognition was given for the M.Ed. course with 35 seats w.e.f. 18.05.2013. It is submitted that the petitioner had initially started B.Ed. course for which it required a built up area of 1500 sq. mts. and, thereafter, with further addition(s), the built up area of 500 sq. mts. have to be added for each addition. In this process, it is submitted that the petitioner had to have built up area of 3000 sq. mts. (1500 sq. mts. for 2 units of B.Ed. course + 1 unit of ETT course + 1 unit of M.Ed. course) and now as the petitioner wanted to start B.A.B.Ed./B.Sc.B.Ed. course, it required another built up area of 500 sq. mts. It is further submitted that even if case of the respondents is accepted, though for the sake of arguments, that the petitioner is required to have the built up area of 4500 sq. mts., it has been built up by the petitioner, as has been mentioned in the earlier part of the order by giving reference of the document Mark 'X'.

I have heard learned counsel for the parties and examined the available record with their able assistance.

There is no dispute that when the B.Ed. course was started by the

petitioner, then the requirement of built up area was of 1500 sq. mts. Thereafter, with further addition, the petitioner-college was required to have the built up area of 500 sq. mts. for each addition and since the petitioner had added ETT diploma, increase of 100 seats in annual intake of already existing 100 seats of B.Ed. course and M.Ed. course, therefore, it required another 1500 sq. mts. built up area and total 3000 sq. mts. The petitioner has now sought to add B.A.B.Ed./B.Sc.B.Ed. as a curriculum for which although the petitioner has submitted that it requires to add another built up area of 500 sq. mts. but in order to satisfy the respondents, it has added another built up area of 1500 sq. mts. The total area, thus, comes to 4500 sq. mts., which was required by the respondents while rejecting the case of the petitioner vide order dated 05.01.2017, which has been mentioned in the earlier part of this order, therefore, contention of the respondents that the petitioner is required to have a built up area of 5500 sq. mts. instead of 4500 sq. mts. is patently erroneous and unjustified.

Thus, in view of the aforesaid facts and circumstances, the present petition is found to be meritorious and hence, the same is hereby allowed and the impugned orders are hereby set aside.

May 01, 2017
mamta/vinod*

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No