

CWP No.9604 of 2017

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

**CWP No.9604 of 2017  
Date of decision:05.05.2017**

Akal College of Education

...Petitioner

Versus

National Council for Teacher Education and another

...Respondents

**CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mr. Manjit Singh, Advocate,  
for the petitioner.

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**Rakesh Kumar Jain, J. (Oral)**

The petitioner is aggrieved against the orders dated 06.07.2016 passed by respondent no.2 and dated 18.01.2017 passed by respondent no.1 by which recognition/permission to start integrated B.Ed./M.Ed. course has been declined.

In brief, the petitioner applied to respondent no.2 for grant of recognition to start integrated B.Ed./M.Ed. course online on 30.06.2015 and with hard copy on 11.07.2015. Respondent no.2 issued a show cause notice on 16.11.2015 intimating the petitioner about the deficiencies and gave an opportunity of hearing. The petitioner replied to the show cause notice on 12.12.2015 and on 19.12.2015 informing that the University has no objection if the petitioner-college is granted approval. Respondent no.2 again issued a show cause notice raising yet another objection, to which the petitioner gave the reply on 17.03.2016. However, vide the impugned order dated 06.07.2016,

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respondent no.2 passed the order of refusal. The said order was challenged by the petitioner by way of a statutory appeal on 03.09.2016 but the said appeal has also been rejected vide the impugned order dated 18.01.2017 and hence, the present petition has been filed.

Counsel for the petitioner has submitted that the fault lies with the respondents who have not given permission to start the M.Ed. course in time though it is provided that the application must be decided within 45 days and, therefore, the case of the petitioner does not come within the ambit of Clause 2(i) of Appendix 15 to the National Council for Teachers Education Regulations, 2014 (hereinafter referred to as the “Regulations”).

I have heard learned counsel for the petitioner and examined the available record with his able assistance.

The petitioner had applied to the respondents for recognition to start integrated B.Ed./M.Ed. course with an annual intake of 50 seats on 30.06.2015 but the Northern Regional Committee (hereinafter referred to as the “NRC”) of the respondents, in its 249<sup>th</sup> meeting, decided to issue a show cause notice to the petitioner under Section 14/15(3)(b) of the Regulations, pointing out the following deficiencies:-

- “\* The institution as per its online application started M.Ed. programme from 13.08.2013 and thus has not completed 5 years from its commencement.
- \* The institution has not submitted any evidence of its having residential accommodation for the conduct of this programme.”

The petitioner submitted its reply on 17.03.2016 and in its 251<sup>st</sup> meeting held from 7<sup>th</sup> to 9<sup>th</sup> April, 2016, the NRC decided to refuse recognition to the petitioner on the following grounds:-

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“The applicant institution has been granted recognition for M.Ed. course vide recognition order NRC NCTE dated 13.08.2013. The eligibility condition to apply for integrated B.Ed. and M.Ed. courses, as mentioned in 2(i) of Appendix 15 (Norms and Standards for Three years integrated B.Ed./M.Ed. Degree programme 2014) has not been fulfilled by the applicant institution.”

Ultimately, in exercise of powers conferred under Section 14(3)(b) of the NCTE Act, the recognition was refused, leaving the petitioner to avail its remedy of appeal.

Accordingly, the petitioner filed the appeal, in which it was contended on their behalf that the application for starting the M.Ed. course was filed by the petitioner on 27.10.2009 and the institution was got inspected by the NCTE on 26.08.2010 but the decision was given on 11.09.2012, for which there is no fault of the petitioner and it should have been given affiliation in the year 2011 and in that process, the petitioner would have completed 5 years of M.Ed. course. However, the appeal was dismissed observing that as per Clause 2(i) of Appendix 15 to the Regulations, only those institutions can apply for recognition to start three years integrated B.Ed./M.Ed. degree programme who have been in existence for at least 5 years and having NAAC accreditation with minimum B grade.

However, the petitioner itself has alleged that it is conducting the M.Ed. course since 2013 and would have completed 5 years had they been granted recognition in the year 2011. In view thereof, the petitioner, at the time of application for recognition to start the three years integrated

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B.Ed./M.Ed. degree programme, was not offering the M.Ed. course for the last five years, which is a mandatory condition to apply for recognition to start the aforesaid degree programme(s).

Thus, to my mind, the decision taken by the respondents by the impugned order(s) is prefect, which does not require any interference in this petition.

Consequence, the present petition is hereby dismissed being denuded of any merit.

**May 05, 2016**  
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**(Rakesh Kumar Jain)**  
**Judge**

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No