

In brief, the petitioner has averred that it had got the CLU for its 2 acres of land, sanctioned for education purposes on 25.07.2005, under the name and style of M/s Sant. Bhumi Foundation (Regd.) and thereafter, applied for NOC for opening of the new B.Ed. college. The petitioner got the Letter of Intent from the National Council for Teacher Education (NCTE) on 23.04.2015, prior to grant of recognition/permission for B.Ed. course under Clause 7(13) of the NCTE (Recognition Norms and Procedure) regulation, 2014 (hereinafter referred to as the “Regulations”) and submitted FDRs of ₹8

lac. It is further submitted that all the documents and Demand Draft of ₹2,55,000/- were submitted to the Dean of Colleges, Punjabi University, Patiala (respondent no.4 herein) for starting the B.Ed. programme for the year 2015-16 on 30.04.2015 but due to non-issuance of NOC by respondents no.1 and 2, the petitioner could not start the academic session in 2015-2016. It is alleged that the petitioner had applied for NOC to start the B.Ed. programme on 08.05.2015 under Clause 1(13) of the Regulations while referring the LOI issued by the NCTE dated 23.04.2015 but it has not been granted till date.

The petitioner has made reference of the correspondences between the petitioner, NCTE and the Municipal Corporation, Bathinda from time to time and has ultimately referred to a letter dated 19.05.2016 of the Deputy Director (Colleges), addressed to the Principal Secretary, Government of Punjab, Higher Education Department, in which it has been mentioned that the case of the petitioner has been received in his office on 08.05.2015 and has diarized it in the branch on 11.05.2015. It is further mentioned that in the meeting dated 28.05.2015, held by the Minister of Education, though it had been asked to consider the case for the issuance of NOC to 80 colleges for opening the B.Ed. college but due to an error of the previous dealing assistant, by writing the date 04.06.2015 of diarizing this case, the issue as to whether inspection has to be carried out or not requires guidance was not taken up. It is further averred therein that the approval has already been accorded by the NCTE on 23.04.2015 and made a reference to various other documents which were attached with the said letter and in the end, approval was sought for carrying out the inspection of the petitioner-college. Since nothing was heard thereafter, therefore, the present petition has been filed.

In the reply filed by way of short affidavit of the Joint Director (Administration), office of Director of Public Instructions (Colleges), Punjab on behalf of respondents no.1 and 2, it is averred that a decision was taken by the Government of Punjab on 12.08.2010 for not opening of new B.Ed. colleges for a period of 2 years as a large number of sanctioned seats in the colleges situated in the State of Punjab remained unfilled, which created embarrassing situation in the education system. Thereafter, the aforesaid ban imposed vide letter dated 12.08.2010 was further extended for one year vide letter dated 27.08.2013. It is further averred in the reply that on the request of certain colleges, who had earlier applied for the issuance of NOC and had already put in money and resources for establishing the college, the ban earlier imposed vide letter dated 27.08.2013 was withdrawn only with regard to those colleges whose cases for issuance of NOC were in pipeline and who had completed their buildings. It is further averred that the petitioner-college submitted its complete case for issuance of NOC on 04.06.2015, therefore, it did not fall within the purview of consideration for issuing NOC as it was not in the pipeline at the time of imposing the ban on 27.08.2013. The reply also further has a reference to the order passed by this Court in the case of **Baba Mehar Singh Memorial College of Education, Kalanour & anr. vs. State of Punjab & Ors.**, CWP No.3495 of 2016, decided on 01.03.2016, in which prayer of the petitioner for a direction to the respondents therein to consider and grant approval regarding the building plan/CLU for the opening of new B.Ed. colleges was declined on the ground that there are 209 colleges in the State of Punjab imparting education for B.Ed. course, in which total sanctioned intake capacity for the year 2015-16 was 27,135, out of which only 16,838

seats were filled up and 10,927 seats remained vacant with further remarks that there is no need to open any new college for imparting education in B.Ed. course.

Counsel for the petitioner has submitted that the case of the petitioner has been declined primarily on the ground that it was not included in the pipeline cases, meaning thereby it was not included in the list of the cases which were ripe for consideration before the ban of one year was imposed on 27.08.2013 because the petitioner had applied for NOC on 04.06.2015 or may be on 08.05.2015 or 11.05.2015.

However, learned State counsel has stuck to their stand taken in the reply and submitted that the case of the petitioner has rightly not been considered for the issuance of NOC.

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

From the narration of the aforesaid facts and circumstances, one thing is apparent that had the ban imposed on 27.08.2013 for one year been continued and had not been withdrawn on 26.09.2013, the said ban was upto 26.08.2014. The reply filed by the State is totally silent about the imposition or continuance of said ban in regard to the applications having been filed in the year 2015 or after 26.08.2014. All that has been stated is that the applications, which were already in pipeline on or before 27.08.2013, were considered by withdrawing the order dated 27.08.2013 on 26.09.2013. The short reply filed by the respondents in this regard is totally insufficient. Moreover, in **Baba Mehar Singh Memorial College of Education's case (supra)**, the prayer was for grant of sanction of building plan/CLU, whereas in the present case, the

building plan/CLU has already been sanctioned and the case is at the stage of issuance of NOC by way of inspection of the college.

Keeping in view the aforesaid facts and circumstances, present petition is hereby disposed of with a direction to respondents no.1 and 2 to re-consider the case of the petitioner by treating the present writ petition as a representation and decide the same by passing a speaking order only after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of certified copy of this order.

April 17, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No