

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

**CWP-27035-2018 (O&M)
Date of Decision:19.11.2018**

Maharaja Agarsain Trust

... Petitioner

Versus

National Council for Teachers Education & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Nitin Kant Setia, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Pleadings on record clearly indicate that the petitioner/Maharaja Agarsain Trust is desirable for setting up a new institute for awarding of Diploma in Elementary Education (D.El.Ed.) Course in the State of Punjab. Under the NCTE (recognition norms and procedure) Regulation, 2014, it is imperative for the petitioner/trust to obtain certain permissions at the hands of National Council for Teachers Education (NCTE) as also the State Council for Education Research and Training, Punjab (SCERT).

Challenge in the instant petition is to the order dated 14.06.2018 (Annexure P-10) and in terms of which recognition to the petitioner/Trust for running the D.El.Ed. Course was declined. Further prayer is for issuance of a writ of mandamus directing respondent No.3/State Council for Education Research and training (SCERT) to act in accordance with Regulation 7(13) of the 2014 Regulations and to constitute a panel for approval of faculty to be appointed as per norms of NCTE. Likewise, directions are sought for NCTE/respondent No.1 to act in accordance with Regulation 7 (16) of the 2014 Regulations.

On the last date of hearing, Mr. TPS Chawla, learned DAG, Punjab had been furnished a complete copy of the writ paper book and had been directed to complete instructions in the matter.

During the course of resumed hearing today, learned State counsel has furnished a short reply by way of affidavit of the Assistant Director Affiliation O/o Director, State Council for Educational Research Training, Punjab along with Annexure R-1/3. The same is taken on record and a complete copy has been furnished to counsel representing the petitioner/Trust.

Perusal of the document at Annexure R-1/3 would reveal that it is communication dated 28.08.2017 from the Punjab School Education Department and addressed to the Chairperson, National Council for Teachers Education, Delhi and in which a view has been taken that in Punjab, 15 District Institute of Education and Trainings as also 113 privately self financed colleges are already running the Diploma in Elementary Education Course. It has further been observed that in the previous years, seats have remained unfilled as enough number of students were not forthcoming and that State run District Institutions for Elementary Trainings are providing training to students which is sufficient to meet the needs of the State Government for the time being. It has been opined that there is no need for opening any more college for Diploma in Elementary Education Course in the State of Punjab.

Apparently, the impugned order dated 14.06.2018 (Annexure P-10) issued by the NCTE was subsequent in point of time to the issuance of the communication dated 28.08.2017 (Annexure R-1/3) along with reply

even though such communication does not find a mention in the impugned order.

It is the contention raised by Mr. Setia, Advocate that the communication dated 28.08.2017 (Annexure R-1/3) would stand in the way of the petitioner/ Trust even with regard to obtaining recognition for the forthcoming academic sessions commencing from 2019-20 onwards.

Since the current academic session has already worked out, this Court does not deem it necessary to go into the validity of the impugned order dated 14.06.2018 (Annexure P-10) issued by the NCTE at this stage. Mr. Setia, Advocate, has pointed out that the prayer in the instant petition was not only confined to the current academic session of 2018-19 but even for future academic sessions i.e. 2019-20 onwards. Be that as it may, the petitioner/Trust is now confronted with a decision taken by the Punjab School Education Board as contained in communication dated 28.08.2017 (Annexure R-1/3).

Learned counsel at this stage prays for withdrawal of the instant petition reserving liberty to raise a challenge to the communication dated 28.08.2017 (Annexure R-1/3) on grounds that may be available to the petitioner/Trust in accordance with law as also to press the claim for running the course in question for the future academic sessions.

Disposed of as withdrawn with liberty as prayed for.

19.11.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No