

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

**CWP-29640-2018 (O&M)
Date of Decision: 27.11.2018**

Modern College of Education

... Petitioner

Versus

National Council for Teachers Education & others

... Respondents

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

Present: Mr. Vivek Aggarwal, Advocate for the petitioner.

Mr. D. Khanna, Additional Advocate General, Haryana.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The petitioner/Modern College of Education has filed the instant writ petition seeking directions to respondent No.4 i.e. the Director, State Council of Educational Research and Training (SCERT), Gurgaon to inspect the petitioner/College forthwith and thereafter to permit the running of a Diploma Course in Elementary Education (D.El.Ed.) for the academic session 2018-19 for 50 seats.

Counsel submits that vide communication dated 31.05.2015 issued by the National Council for Teachers Education (Annexure P-1), petitioner was granted recognition for the D.El.Ed. Course for 50 seats and such recognition was valid for a period of 5 years as per the NCTE Regulations. In pursuance to the recognition order, an inspection of the petitioner/College was conducted but vide Memo dated 26.10.2015 (Annexure P-3) issued by respondent No.4, the case for affiliation of the petitioner/College to the School Education Board, State of Haryana was declined.

It is the case set up by Mr. Vivek Aggarwal, Advocate that the petitioner/College then sent a communication dated 30.11.2017 (Annexure P-4) to the Director, SCERT, Gurgaon for grant of affiliation but without any justifiable basis, the authorities kept sitting on such request and no final decision was conveyed. Further argued that the petitioner/College then applied for affiliation to the SCERT, Gurgaon vide letter dated 12.09.2018 at Annexure P-6 (colly) along with supporting documents and on which also a final decision has not been taken and rather no inspection has been conducted till date. Against such backdrop, it is vehemently argued that the petitioner/College is vested with a right to be inspected in the first instance without any delay and thereafter to be granted permission/affiliation to run the D.El.Ed. Course for 50 seats for the academic session 2018-19.

On a previous date of hearing i.e. on 22.11.2018, a complete set of the writ paper book had been furnished to learned State counsel and who was requested to complete instructions.

Learned State counsel is today assisted by Dr. Madhup Kumar, Co-ordinator, SCERT, Gurgaon and submits that even though the letter dated 12.09.2018 at Annexure P-6 (colly) was not a formal application seeking affiliation but the same would be considered and inspection of the petitioner/College would be conducted within a time frame of 15 days from today.

Having heard counsel for the parties and having perused the pleadings on record, this Court is not inclined to accept the prayer made by the petitioner/College with regard to making admissions and running the Course of D.El.Ed. for 50 seats for the academic session 2018-19.

During the course of arguments, it has gone uncontroverted that in pursuance to an inspection having been conducted in the year 2015, the SCERT, Gurgaon had declined to forward case of the petitioner/College for affiliation to the School Education Board, State of Haryana vide Memo dated 26.10.2015 (Annexure P-3) on account of certain deficiencies/shortcomings having been specifically noticed in the Memo itself. No challenge at any point of time was laid to the Memo dated 26.10.2015 (Annexure P-3). Case of the petitioner/College is that the shortcomings/deficiencies noticed in the Memo dated 26.10.2015 (Annexure P-3) have since been removed. Even though, a letter dated 30.11.2017 (Annexure P-4) had been addressed by the petitioner/College to SCERT, Gurgaon but Mr. Vivek Aggarwal, learned counsel would fairly concede that as on such date, the deficiencies/shortcomings in entirety had not been removed. It is further the admitted position between the parties that pertaining to the academic session 2018-19, cut-off date for submitting applications seeking affiliation would be 30.04.2018. In the present case, it is only on 12.09.2018 at Annexure P-6 (colly) that the petitioner/College had applied to SCERT, Gurgaon along with all the supporting documents indicating that the deficiencies/shortcomings have been made good. Under such circumstances, prayer of the petitioner/College for permission/affiliation for running the Course in question for the session 2018-19 cannot sustain.

Be that as it may, the petitioner/College having applied to SCERT, Gurgaon on the strength of recognition granted by the NCTE on 31.05.2015 which is valid of five years, respondent No.4 is certainly obligated to inspect the petitioner/College and to take a final decision with

regard to the claim of affiliation for the Course in question for the session 2019-20.

Towards this end, Dr. Madhup Kumar, Co-ordinator, SCERT, Gurgaon has furnished an undertaking before this Court that the inspection of the petitioner/College would be conducted positively within a period of three weeks from today. Such statement and undertaking is accepted.

The instant writ petition is accordingly disposed of in terms of issuing directions to respondent No.4 i.e. the Director, SCERT, Gurgaon to conduct the inspection of the petitioner/College within a period of three weeks and thereafter to take a final decision with regard to the claim of the petitioner/College as regards forwarding their case for affiliation to the School Education Board, State of Haryana and in the eventuality of an adverse view being taken, to communicate to the petitioner/College such decision without any delay.

Disposed of.

27.11.2018

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |