

#73

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 05.10.2018.

W.P.(C) 10602/2018

MOHINDER COLLEGE OF EDUCATION

..... Petitioner

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sanjay Sharawat, Mr. Divyank Rana and Mr. Ashok Kumar,
Advocates

For the Respondents : Ms. Arunima Dwivedi, Standing Counsel with Ms. Preeti Kumra,
Advocate

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India, belatedly impugns the action of the National Council for Teacher Education (for short 'NCTE'), respondent No.1 herein, whereby, the latter returned the petitioner institution's seeking recognition for B.Ed courses all in the year 2013, along with the fee, on the ground of the

ban imposed by the State of Haryana on granting of recognition for *inter alia*, B.Ed and D.El.Ed. courses.

2. Learned counsel appearing on behalf of the petitioner institution invites the Court's attention to the order dated 25.07.2018 in W.P.(C) 7662/2018, titled as '*Harnam Singh College of Education vs. National Council for Teacher Education and Anr.*', to urge that, in similar circumstances, this Court directed the NCTE to reconsider the application filed on behalf of the similarly situated institution, without taking into consideration, the subsequent ban imposed by the State of Haryana on the opening of such educational institution.
3. Learned counsel appearing on behalf of the NCTE, however, states that the Hon'ble Supreme Court of India vide its order dated 18.07.2018 in W.P.(C) 276/2012, titled as '*Maa Vaishno Devi Mahil Mahavidyalaya vs. The State of Uttar Pradesh & Ors.*', has declined to grant any relief to such educational institutions placed in similar circumstances, predicated on the stand taken by the NCTE before the Court.
4. It would be relevant and profitable to extract the order dated 18.07.2018 in ***Maa Vaishno Devi*** (supra) insofar as it is germane, in order to appreciate its ambit and import and the same is reproduced in extenso hereunder:

“1. An application for direction has been filed by the applicant seeking, *inter alia*, following direction:

“(a) Allow the present application by relaxing and extending the last date the cut

off date for grant of recognition as 15.05.2018 and for grant of affiliation as 31.05.2018 for the present academic session 2018-19;

2. A counter has been filed on behalf of the respondent No.2- National Council for Teacher Education (NCTE) wherein it has been, *inter alia*, stated as follows:

“8.1 It is important to point out that the High Court of Punjab & Haryana vide order dated 21.11.2008 passed in the case of Association of Education Colleges (Self Financing) of Haryana v. State of Haryana, CWP 17284 of 2008 noted that the total number of seats available in these institutions was so large that even when the last candidate who appeared in entrance test for admission is admitted to the course, and then thousands of seats remained unfilled.

xxx xxx xxx

8.5 Further vide letter bearing MEMO number 17/10 DIET (TF) dated 28.02.2016, the Director of Elementary Education, State of Haryana communicated a decision of the State Government not to recommend any new private self financing and self financing minority D.Ed. institutions for the academic sessions 2016-17 and 2017-18. It was highlighted in the letter that there were 25 government, 325 self-financing and 14 private self financing minority D.El.Ed, institutes on the said date with a total intake capacity of 20,600 candidates, against a mere requisition of 9870 primary teachers. Hence the NCTE was requested not to entertain any fresh applications from the State of Haryana pursuant to the aforesaid decision.

8.6 Furthermore the vide letter bearing MEMO No.KW12/16-2003 C-II(3) dated 12.04.2016, the Deputy Secretary Higher Education, State of Haryana, also requested the NCTE not to entertain any applications of societies/trusts seeking recognition for 4 years integrated course B.A., B.Ed/B.Sc. and B.Ed. and opening

of new B.Ed. Colleges for the academic session 2016-17 and 2017-18. The said request was made pursuant to order dated 19.02.2016 passed by the High Court in CWP No.25532 of 2015 titled as Ganga Institute of Education v. MDU, Rohtak, in which the High Court took cognizance of the fact that the total intake capacity of the existing TEIs in the State of Haryana was 60,672 out of which 27,951 seats were lying vacant, and opined that no further colleges should be allowed to be opened as it will result in compromising the quality of education.

XXX XXX XXX

9. In addition to the aforesaid communications received from the State of Haryana, it is most important to point out to this Hon'ble Court that NCTE also decided not to invite/accept any applications for recognition of new TEIs from certain states including Haryana from academic year 2010-11 till the next academic year 2019-20, and it has been issuing public notices from time to time to communicate the said decision. The said action has been taken in order regulate growth of teachers education at all levels on the basis of recommendation received from State Government and U.T's."

3. In view of the aforesaid and the categorical stand taken by the NCTE as reflected in the aforesaid paragraphs of the counter we decline to grant any relief as prayed for to the applicant.

4. Consequently and in the light of the above Miscellaneous Application is disposed of."

emphasis supplied

5. A plain reading of the above extracted order leaves no manner of doubt that, in view of the categorical stand taken by the NCTE, *inter alia*, to the effect that, the decision not to invite/accept any application

for recognition of new TEIs in certain states including Haryana from the academic year 2010-11 was taken, in order to regulate growth of teachers education at all levels, on the basis of the recommendations received from, *inter alia*, the Government of the State of Haryana; the Hon'ble Supreme Court was of the considered view that the same need not to be interfered with and no relief for grant of recognition as prayed for, in that case, could be granted.

6. In view of the foregoing, the submission made on behalf of the petitioner institution that, in similar circumstances, this Court had directed the NCTE to reconsider the application for recognition, without relying on the ban imposed by the State of Haryana in ***Harnam Singh*** (supra) is untenable and does not come to their aid. In this behalf, it is observed that, when the said directions were issued on 25.07.2017, the decision of the Hon'ble Supreme Court in ***Maa Vaishno Devi*** (supra) had not been brought to the notice of this Court.
7. It is further observed that, the directions issued in ***Harnam Singh*** (supra) were predicated on the orders passed by a coordinate Bench of this Court in W.P.(C) 5454/2018, titled as '*Rao Deena Ram Vidya Vihar Shiksha Samiti Haluhera and Anr. vs. National Council for Teacher Education and Anr.*', which were also passed without the benefit of considering the directions issued by the Hon'ble Supreme Court in ***Maa Vaishno Devi*** (supra).
8. In view of the foregoing, the relief prayed for in the present petition is declined and the petition is dismissed as being devoid of merits and

disposed of accordingly. No order as to costs.

SIDDHARTH MRIDUL

(JUDGE)

OCTOBER 05, 2018

as

