IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

W.P.(C)No.26983 OF 2020(W)

PETITIONER:

KANNUR SALAFI B.ED . COLLEGE
P.O.KOODALI, KANNUR DISTRICT-670592
REPRESENTED BY ITS CORRESPONDENT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:

1 **KANNUR UNIVERSITY**
REPRESENTED BY ITS REGISTRAR,
THAVAKKARA, CIVIL STATION P.O.,
KANNUR-670 002.

2 **REGISTRAR,**
KANNUR UNIVERSITY, THAVAKKARA,
CIVIL STATION P.O., KANNUR-670 002.

3 **NATIONAL COUNCIL FOR TEACHER EDUCATION,**
SOUTHERN REGIONAL COMMITTEE,
OFFICE G-7, SECTOR-10
(NEAR SECTOR-10 METRO STATION)
NEW DELHI-110075,
REPRESENTED BY ITS REGIONAL DIRECTOR.

4 **STATE OF KERALA,**
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

R1&R2 **BY ADV. SRI.M.SASINDRAN**
R3 **BY DR.ABRAHAM P.MEACHINKARA,SC,NCTE**

R4 **SRI.SUNIL NATH N.B., GOVERNMENT PLEADER**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT **'C.R.'**

The petitioner institution, namely, Kannur Salafi B.Ed College, which is conducting B.Ed course on the strength of the recognition granted by the 3rd respondent National Council for Teacher Education (for brevity, 'the NCTE'), Southern Regional Committee and the affiliation granted by the 1st respondent Kannur University, has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of certiorari to quash Ext.P7 order dated 03.11.2020 of the 1st respondent University, whereby the petitioner was informed that since the NCTE has withdrawn the recognition granted for conducting B.Ed course, due to various deficiencies, the petitioner institution is not permitted to admit students from the academic year 2020-21 and that the name of the institution is deleted from the seat matrix of 2020-21. The petitioner has also sought for a direction to the 2nd respondent Registrar of the 1st respondent University to permit the petitioner institution to participate in the allotment process for B.Ed course for the academic year 2020-21; and a declaration that in view of the recognition granted by the 3rd respondent NCTE in Ext.P4 order dated 12.09.2017, for conducting B.Ed course with an intake of 50 students, the petitioner institution is entitled to admit students for

two year B.Ed course, for the academic year 2020-21, and the action of the 1st respondent University to delete the name of the institution from the seat matrix of 2020-21 is illegal, arbitrary and ab initio void.

2. On 04.12.2020, when this writ petition came up for admission, this Court noticed that the earlier writ petition filed by the petitioner as W.P.(C)No.22477 of 2020 was dismissed as withdrawn, without prejudice to the right of the petitioner to challenge the order of withdrawal of recognition issued by the 3rd respondent NCTE, by filing a statutory appeal. Ext.P7 order, which is under challenge in this writ petition is an order issued by the 1st respondent University based on that order of withdrawal of recognition issued by the NCTE. The Registry was directed to list this writ petition on 08.12.2020 along with the Judge's papers in W.P.(C)No.22477 of 2020.

3. On 08.08.2020, during the course of arguments, the submission made by the learned counsel for the petitioner was that the faculty members included in Ext.P6 staff list approved by the 1st respondent University are still in service. The learned Standing Counsel for the 2nd respondent University sought time to get instructions as to the date on which Ext.P6 staff list was approved

by the University.

4. Heard the learned counsel for the petitioner, the learned Standing Counsel for Kannur University, representing respondents 1 and 2, the learned Standing Counsel for the 3rd respondent NCTE and also the learned Government Pleader appearing for the 4th respondent State.

5. The issue that arises for consideration in this writ petition is as to whether any interference is warranted on Ext.P7 communication dated 03.11.2020 issued by the 2nd respondent, who is the registrar of the 1st respondent University, which is one issued based on Ext.P5 order dated 16.10.2020 of the 3rd respondent NCTE, whereby the recognition granted to the petitioner institution for conducting B.Ed course with an annual intake of 50 students, stands withdrawn.

6. By Ext.P5 order dated 12.09.2020, the 3rd respondent NCTE has withdrawn the recognition granted to the petitioner institution in Ext.P4 order, for conducting B.Ed course, on account of the deficiencies pointed out in that order. Deficiency No.3 pointed out in Ext.P5 reads thus;

> "3. The institution has submitted an original staff list approved by Kannur University consisting of one Principal

and eight Assistant Professors (one basic unit) vide dated nil. Some of the deficiencies observed in the staff list are as follows;

a. Percentage of marks in PG Degree 2 Lecturers is less than 55%. The details of the staff are as follows;

I. Mrs. Aiswarya Lakshmi M. (Malayalam).

II. Mrs. Soorya K. (English).

b. One Assistant Professor does not possess NET qualification as per NCTE (Recognition Norms and Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017.

c. Faculty in r/o Fine Arts and Performing Arts not appointed."

7. The decision taken by the Southern Regional Committee of the NCTE at its 389th meeting held on 12th and 14th October, 2020 (decision No.107) to withdraw the recognition granted to the petitioner institution, for conducting B.Ed course with effect from the academic session 2020-21, under sub-section (1) of Section 17 of the NCTE Act, 1993 and also the consequential order, i.e., Ext.P5 order of withdrawal of recognition dated 16.10.2020 were under challenge in W.P.(C) No.22477 of 2020. Along with that writ petition, the petitioner produced a communication dated 27.12.2019 of the 1st respondent University, enclosing therewith the approved staff list in the petitioner institution for the academic year 2019-20. The said communication along with the approved

staff list was marked as Ext.P9 in W.P.(C) No.22477 of 2020. Sl.No.3 in the approved staff list is Mrs. Aiswarya Lakshmi M., who was working as Assistant Professor (Malayalam) and Sl.No.4 in that list is Mrs. Soorya K., who was working as Assistant Professor (English). Now, in Ext.P5 order of withdrawal of recognition dated 16.10.2020, one of the deficiencies noted by the 3rd respondent NCTE is that, Mrs. Aiswarya Lakshmi M., Assistant Professor (Malayalam) and Mrs. Soorya K., Assistant Professor (English) are not having the requisite qualification.

8. In paragraph 5 of W.P.(C) No.22477 of 2020 the petitioner has stated that the petitioner institution has already taken steps to rectify the deficiencies. The petitioner has already advertised for qualified faculties to make good the deficiency. Ext.P9 is the staff list approved by the 3rd respondent University. For the academic year 2020-21, those who are not qualified as per UGC norms will be replaced, by qualified hands, and approved staff list will be submitted before the NCTE. On 12.11.2020, the petitioner filed I.A.No.3 of 2020 in W.P.(C) No.22477 of 2020 seeking an order to accept the revised staff list submitted before the University along with a covering letter dated 04.11.2020 as an additional document, i.e., Ext.P12. In the affidavit filed in support

of I.A.No.3 of 2020 the petitioner has stated that, in order to cure the deficiencies noted in the original staff list approved by University, the unqualified members of faculty were replaced by appointment of four Assistant Professors. Therefore, admittedly, the petitioner institution conducted B.Ed course during the academic year 2019-20 with four unqualified Assistant Professors, including Mrs. Aiswarya Lakshmi M., Assistant Professor (Malayalam) and Mrs. Soorya K., Assistant Professor (English).

9. On 30.11.2020, when W.P.(C) No.22477 of 2020 came up for consideration, the learned Counsel for the petitioner has filed a memo to withdraw that writ petition, with liberty to file appeal against the order of withdrawal of recognition issued by the NCTE, by filing an appeal under Section 18 of the NCTE Act. Recording the said memo and also the submission made by the learned counsel for the petitioner, this Court by the judgment dated 30.11.2020, dismissed W.P.(C)No.22477 of 2020 as withdrawn, without prejudice to the right of the petitioner to challenge the order of withdrawal of recognition by filing a statutory appeal.

10. Along with this writ petition, the petitioner has produced Ext.P6 staff list dated 04.11.2020. The staff list for the year 2020-

21 is approved by the 1st respondent University with the following endorsement; Staff list for the year 2020-21 is approved subject to the undertaking by the college that the college shall satisfy NCTE norms with regard to appointment of teaching staff within a period of one month. The date on which the 1st respondent University has approved the staff list for the year 2020-21, subject to the aforesaid condition, is not discernible from Ext.P6. As per the 'Note' at the bottom of Ex.P6 staff list, the institution shall submit the staff list as per the provisions of the NCTE Regulations, 2014 indicating qualification, percentage of marks, teaching experience, etc. along with attested copy of professional qualification and experience certificate and attested photographs of staff duly countersigned by the competent authority of the affiliating body or endorsement of the same by submitting a written approval of the competent authority of the affiliating body as per the format. Therefore, the competent authority of the 1st respondent University, which is the affiliating body, cannot approve the staff list, subject to the condition that the college shall satisfy NCTE norms with regard to appointment of teaching staff within a period of one month.

11. As per Regulation 9 of the NCTE (Recognition Norms and

Procedure) Regulations, 2014 every institution offering Bachelor of Education programme leading to B.Ed degree shall comply with the norms and standards as specified in Appendix-4. Para.5.1 deals with academic faculty; Para.5.2 deals with qualifications; and Para.5.3 deals with administrative and professional staff. As per the norms and standards prescribed by NCTE in Para.5.1, the institution shall have only full-time faculty members. As pointed out by the learned Standing Counsel for NCTE, as per Ext.P6 staff list approved by the 1st respondent University, two faculty members in the petitioner institution, i.e., Sri. Aswin V.C (Physical Education Teacher) and Smt. Shimina Nitya (Fine Arts) are only part-time faculty members appointed with effect from 03.08.2020 and 02.11.2020 respectively.

12. The NCTE Act is enacted by the Central Government to provide for the establishment of a National Council for Teacher Education with a view to achieve planned and coordinated development for the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher education system *[including qualifications of school teachers] and for matters connected therewith. [*inserted by Section 2 of the NCTE (Amendment) Act,

2011, with effect from 01.06.2012]. Clause (c) of Section 2 of the NCTE Act define 'Council' to mean the National Council for Teacher Education established under sub-section (1) of Section 3. Clause (d) define 'examining body' to mean a University, agency or authority to which an institution is affiliated for conducting examinations in teacher education qualifications. Clause (e) of Section 2 define 'institution' to mean an institution which offers courses or training in teacher education. Clause (l) of Section 2 define 'teacher education' to mean programmes of education, research or training of persons for equipping them to teach at pre-primary, primary, secondary and senior secondary stages in schools, and includes non-formal education, part-time education, adult education and correspondence education.

13. Section 12 of the NCTE Act deals with functions of the Council. As per Section 12, it shall be the duty of the Council to take all such steps as it may think fit for ensuring planned and coordinated development of teacher education and for the determination and maintenance of standards for teacher education and for the purposes of performing its functions under this Act, the Council may (a) undertake surveys and studies relating to various aspects of teacher education and publish the result thereof; (b)

make recommendations to the Central and State Governments, Universities, University Grants Commission and recognised institutions in the matter of preparation of suitable plans and programmes in the field of teacher education; (c) coordinate and monitor teacher education and its development in the country; (d) lay down guidelines in respect of minimum qualifications for a person to be employed as a teacher in recognised institutions; (e) lay down norms for any specified category of courses or training in teacher education, including the minimum eligibility criteria for admission thereof, and the method of selection of candidates, duration of the course, course contents and mode of curriculum; (f) lay down guidelines for compliance by recognised institutions, for starting new courses or training and for providing physical and instructional facilities, staffing pattern and staff qualifications; (g) lay down standards in respect of examinations leading to teacher education qualifications, criteria for admission to such examinations and schemes of courses or training; (h) lay down guidelines regarding tuition fee and other fee chargeable by recognised institutions; (i) promote and conduct innovation and research in various areas of teacher education and disseminate the results thereof; (j) examine and review periodically the

implementation of the norms, guidelines and standards laid down by the Council and to suitably advise the recognised institutions; (k) evolve suitable performance appraisal systems, norms and mechanisms for enforcing accountability on recognised institutions; (l) formulate schemes for various levels of teacher education and identify recognised institutions and set up new institutions for teacher development programmes; (m) take all necessary steps to prevent commercialisation of teacher education; and (n) perform such other functions as may be entrusted to it by the Central Government.

14. Section 14 of the NCTE Act deals with recognition of institutions offering course or training in teacher education. As per sub-section (1) of Section 14, every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations. As per the first proviso to sub-section (1), an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an

application for recognition within the said period and until the disposal of the application by the Regional Committee. As per the second proviso to sub-section (1), such institutions, as may be specified by the Central Government by notification in the Official Gazette, which (i) are funded by the Central Government or the State Government or the Union territory Administration; (ii) have offered a course or training in teacher education on or after the appointed day till the academic year 2017-2018; and (iii) fulfil the conditions specified under clause (a) of sub-section (3), shall be deemed to have been recognised by the Regional Committee.

15. As per Section 16 of the NCTE Act, notwithstanding anything contained in any other law for the time being in force, no examining body shall, on or after the appointed day, (a) grant affiliation, whether provisional or otherwise, to any institution; or (b) hold examination, whether provisional or otherwise, for a course or training conducted by a recognised institution, unless the institution concerned has obtained recognition from the Regional Committee concerned, under Section 14 or permission for a course or training under Section 15.

16. Section 17 of the NCTE Act deals with contravention of provisions of the Act and consequences thereof. As per sub-section

(1) of Section 17, where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognised institution has contravened any of the provisions of this Act or the rules, regulations, orders made or issued thereunder, or any condition subject to which recognition under sub-section (3) of Section 14 or permission under sub-section (3) of Section 15 was granted, it may withdraw recognition of such recognised institution, for reasons to be recorded in writing. As per the first proviso to sub-section (1), no such order against the recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised institution. As per the second proviso to sub-section (1), the order withdrawing or refusing recognition passed by the Regional Committee shall come into force only with effect from the end of the academic session next following the date of communication of such order. As per sub-section (2) of Section 17, a copy of every order passed by the Regional Committee under sub-section (1), (a) shall be communicated to the recognised institution concerned and a copy thereof shall also be forwarded simultaneously to the University or the examining body to which such institution was affiliated for

cancelling affiliation; and (b) shall be published in the Official Gazette for general information. As per sub-section (3) of Section 17, once the recognition of a recognised institution is withdrawn under sub-section (1), such institution shall discontinue the course or training in teacher education, and the concerned University or the examining body shall cancel affiliation of the institution in accordance with the order passed under sub-section (1), with effect from the end of the academic session next following the date of communication of the said order. As per sub-section (4) of Section 17, if an institution offers any course or training in teacher education after the coming into force of the order withdrawing recognition under sub-section (1), or where an institution offering a course or training in teacher education immediately before the appointed day fails or neglects to obtain recognition or permission under this Act, the qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government, any State Government or University, or in any school/college or other educational body aided by the Central Government or any State Government.

17. In **State of U.P. v. Bhupendra Nath Tripathi [(2010) 13 SCC 203]** the Apex Court noticed that, as per sub-section (3) of Section 17 once the recognition of a recognised institution is withdrawn under sub-section (1), such institution shall discontinue the course or training in teacher education and the concerned University or the examining body shall cancel affiliation of the institution with effect from the end of the academic session next following the date of communication of the said order.

18. In **Adarsh Shiksha Mahavidyalaya v. Subhash Rahangdale [(2012) 2 SCC 425]** the Apex Court reiterated that the withdrawal of recognition becomes effective from the end of the academic session next following the date of communication of the order of withdrawal. Once the recognition is withdrawn under sub-section (1) of Section 17 of the NCTE Act, the concerned institution is required to discontinue the course or training in teacher education and the examining body is obliged to cancel the affiliation.

19. In **Shri Morvi Sarvajanik Kelavni Mandal Sanchalit MSKM B.Ed College v. National Council for Teachers' Education [(2012) 2 SCC 16]** it was contended by the appellant that the students admitted to the college for the academic session

2011-12 could be allowed to appear in the examination to avoid prejudice to them and to save their careers. It was contended further that the order withdrawing recognition could not affect students admitted to the institution for the academic session 2011-12 as the withdrawal order could only be prospective in nature and having been passed in August, 2011 was relevant only for the academic session 2012-13. Repelling the said contentions, the Apex Court held that, the recognition of the institution stood withdrawn on 20.07.2011 which meant that while it had no effect qua admissions for the academic session 2010-11 it was certainly operative qua admissions made for the academic session 2011-12 which commenced from 01.08.2011 onwards. The fact that there was a modification of the said order of withdrawal on 24.08.2011 did not obliterate the earlier order dated 20.07.2011. The modifying order would relate back and be effective from 20.07.2011 when the recognition was first withdrawn. Such being the position admissions made for the academic session 2011-12 were not protected under the statute. Further, the Apex Court has in a long line of decisions rendered from time to time disapproved of students being allowed to continue in unrecognised institutions only on sympathetic considerations. The Apex Court held that, the

institution established by the appellant is not equipped with the infrastructure required under the NCTE Act and the Regulations. It is not in a position to impart quality education, no matter admissions for the session 2011-12 were made pursuant to the interim directions issued by the High Court.

20. In **Shri Morvi Sarvajanik Kelavni Mandal Sanchalit MSKM B.Ed College v. National Council for Teachers' Education [(2012) 2 SCC 16]** the Apex Court noticed that, despite repeated pronouncements over the past two decades deprecating the setting up of ill-equipped, under-staffed and un-recognised educational institutions, the mushrooming of the colleges continues all over the country at times in complicity with the statutory authorities, who fail to check this process by effectively enforcing the provisions of the NCTE Act and the Regulations framed thereunder. Paragraph 11 of the said judgment [SCC @ page 21] read thus;

> "11. Mushroom growth of ill-equipped, under-staffed and un-recognised educational institutions was noticed by this Court in **State of Maharashtra v. Vikas Sahebrao Roundale [(1992) 4 SCC 435]**. This Court observed that the field of education had become a fertile, perennial and profitable business with the least capital outlay in some States and

> that societies and individuals were establishing such institutions without complying with the statutory requirements. The unfortunate part is that despite repeated pronouncements of this Court over the past two decades deprecating the setting up of such institutions, the mushrooming of the colleges continues all over the country at times in complicity with the statutory authorities, who fail to check this process by effectively enforcing the provisions of the NCTE Act and the Regulations framed thereunder."

21. In **National Council for Teacher Education v. Vaishnav Institute of Technology and Management [(2012) 5 SCC 139]** the Apex Court noticed that NCTE has been established for ensuring planned and co-ordinated development for the teacher education; for proper maintenance of norms and standards for teacher education; and for discharge of diverse functions assigned to it in the NCTE Act. The Regional Committees are empowered to discharge their functions as statutorily provided in Sections 14, 15 and 17 and also such other functions which may be assigned to them by the Council or which may be provided in the regulations. For grant of recognition to an institution, the Regional Committee, on receipt of the application as prescribed, has to consider diverse aspects, particularly it has to be satisfied that such institution has adequate financial resources,

accommodation, library, qualified staff, laboratory and that the applicant institution fulfils other conditions necessary for proper functioning for a course or training in teacher education. It is only after the Regional Committee issues recognition to an institution and that is notified in the Official Gazette, the examining body grants affiliation to such institution. Under Section 15, the Regional Committee is empowered to grant permission for a new course or training to an institution which has already been granted recognition. Section 17 empowers the Regional Committee to take action against recognised institution where it receives a representation from any person or it is suo motu satisfied that a recognised institution has contravened any of the provisions of the NCTE Act, 1993 or the NCTE Rules, 1997, Regulations, orders made or issued thereunder, etc. or the recognised institution has contravened the conditions of recognition. Once recognition has been granted by the Regional Committee to an institution, the Council has to ensure that such recognised institution functions in accordance with the NCTE Act. To achieve that objective, the Council has to get inspection of recognised institution done periodically and, if such institution is found wanting in its functioning as required, then recommend to the institution the

remedial action to be taken by it as a result of inspection. If the Council feels that its function of inspection under Section 13 may be performed by the Regional Committees, it can so provide by invoking sub-section (6) of Section 20 or Section 27, as the case may be.

22. In **Vaishnav Institute of Technology and Management** the Apex Court noticed that, what is clear from the provisions of the NCTE Act is that post recognition, an institution acquires a different position. On recognition by the Regional Committee under Section 14 and on affiliation being granted by the examining body, once the recognised institution starts functioning, the interest of teachers, employees and the students intervene. In order to ensure that the recognised institutions function in accordance with the NCTE Act, the NCTE Rules, Regulations and the conditions of recognition and, at the same time, functioning of such recognised institutions is not disturbed unnecessarily, the provision for inspection and follow-up action pursuant thereto has been made in Section 13. By Section 13, as a matter of law, it is intended that the Council ascertains whether the recognised institutions are functioning in accordance with the provisions of the NCTE Act or not. For that purpose, it empowers the Council to

cause inspection of any such institution to be made by such persons as it may direct, and in such manner as may be prescribed. The Council may authorise the Regional Committee to carry out its function of inspection. But such inspection has to be made as prescribed in Rule 8 to find out whether such recognised institution is or is not functioning in accordance with the provisions of the NCTE Act. In the NCTE Rules framed by the Central Government, Rule 8 deals with inspection and sub-rule (6) provides that the inspection team shall ascertain as to whether the recognised institution is functioning in accordance with the provisions of the NCTE Act and the rules and regulations made thereunder. On inspection being completed as provided in sub-sections (1) and (2) of Section 13 of the 1993 Act read with Rule 8 of the NCTE Rules, the Council is required to communicate to the concerned institution its views with regard to the outcome of the inspection and, if deficiencies are found, to recommend to such institution to make up the deficiencies. The whole idea is that the Council as a parent body keeps an eye over the recognised institutions that they function in accordance with the NCTE Act, the rules and regulations and orders made or issued thereunder and, if any recognised institution is found wanting in its functioning, it is

given an opportunity to rectify the deficiencies. Derecognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers and the staff. That is why, the Council has been empowered under Section 13 to have a constant vigil on the functioning of a recognised institution. On recommendation of the Council after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the NCTE Act or the Rules or the Regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of recognition in accordance with the procedure prescribed therein. Section 17 and Section 13 must be harmoniously construed. In exercise of its powers under Section 17, the Regional Committee may feel that inspection of a recognised institution is necessary before it can arrive at the satisfaction as to whether such recognised institution has contravened any of the provisions of the NCTE Act or the Rules or the Regulations or the orders made thereunder or breached the terms of the recognition. In that event, the route of inspection as provided under Section 13 has to be followed. If the Regional Committee has been authorised by the Council to perform its function of inspection, the Regional Committee may cause the

inspection of recognised institution to be made as provided in Section 13 and prescribed in Rule 8. Where, however, the Regional Committee feels that the inspection of a recognised institution is not necessary for the proposed action under Section 17, obviously it can proceed in accordance with the law without following the route of inspection as provided under Section 13.

23. In the instant case, as noticed hereinbefore, the petitioner institution conducted B.Ed course during the academic year 2019-20 with four unqualified Assistant Professors, including Mrs. Aiswarya Lakshmi M., Assistant Professor (Malayalam) and Mrs. Soorya K., Assistant Professor (English). Neither the petitioner institution nor the 1st respondent affiliating body could explain the circumstances in which the staff list for the academic year 2019-20 (Ext.P9 in W.P.(C) No.22477 of 2020) was approved by the University, in violation of the norms and standards prescribed by the NCTE in Appendix-4 of the NCTE Regulations, 2014. For the academic year 2020-21, the 1st respondent University approved Ext.P6 staff list, subject to the condition that the college shall satisfy NCTE norms with regard to appointment of teaching staff within a period of one month, again in violation of the norms and standards prescribed in Appendix-4. As per Para.5.1 of Appendix-4,

the institution shall have only full-time faculty members. However, as per Ext.P6 staff list, two faculty members in the petitioner institution, i.e., Sri. Aswin V.C (Physical Education Teacher) and Smt. Shimina Nitya (Fine Arts) are only part-time faculty members appointed with effect from 03.08.2020 and 02.11.2020 respectively.

24. The learned counsel for the petitioner would submit that the appellate authority in NCTE has already heard the appeal filed by the petitioner institution against Ext.P5 order of withdrawal of recognition on 04.12.2020. Therefore, the operation of Ext.P7 communication issued by the 1st respondent University may be stayed, so as to enable the petitioner institution to admit students for B.Ed. course in the current academic year.

25. When two faculty members in Ext.P6 staff list are only part-time faculty members and the approval granted by the 1st respondent University is subject to the condition that the college shall satisfy NCTE norms with regard to appointment of teaching staff within a period of one month, which is in violation of the norms and standards prescribed in Appendix-4 of the NCTE (Recognition Norms and Procedure) Regulations, 2014 the petitioner institution, which had conducted B.Ed course during the

previous academic year, i.e., 2019-20, with four unqualified Assistant Professors, cannot be permitted to admit students for B.Ed. course in the current academic year, i.e., 2020-21 and conduct the said course during the current academic year with unqualified faculty members.

In such circumstances, the petitioner is not entitled for the reliefs sought for in this writ petition. The writ petition fails and the same is accordingly dismissed. No order as to costs.

Sd/-
ANIL K. NARENDRAN
JUDGE

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APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**A TRUE PHOTO COPY OF THE ORDER NO.F.SRO/N/NCTE/B.ED/2007-08/15673 DATED 05.12.2007 ISSUED BY THE FIRST RESPONDENT.**
EXHIBIT P2	**A TRUE PHOTO COPY OF THE ORDER U.O.NO.ACAD/A1/KSBC/2007 DATED 27.11.2008 ISSUED BY THE THIRD RESPONDENT.**
EXHIBIT P3	**A TRUE PHOTO COPY OF THE ORDER ACAD.A3/KSBC/2007 DATED 04.01.2020 ISSUED BY THE THIRD RESPONDENT FOR 2019-2020.**
EXHIBIT P4	**A TRUE PHOTO COPY OF THE ORDER F.NO/SRC/NCTE/APS06033/B.ED/KL/2017-18/94858 DATED 12.09.2017 ISSUED BY THE FIRST RESPONDENT.**
EXHIBIT P5	**A TRUE PHOTOCOPY OF THE ORDER NO.F.SRO/NCTE/APSO6033/BED/ (KL)/2020/19539 DATED 16.10.2020.**
EXHIBIT P6	**A TRUE PHOTOCOPY OF THE APPROVED STAFF LIST DATED 04.11.2020.**
EXHIBIT P7	**A TRUE PHOTOCOPY OF THE LETTER NO.ACAD A3/KSBC/2007 DATED 03.11.2020 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.**
EXHIBIT P8	**A TRUE PHOTOCOPY OF THE REPLY DATED 10.11.2020 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.**
EXHIBIT P9	**A TRUE PHOTOCOPY OF THE TRIAL RANK LIST OF STUDENTS WHO OPTED THE PETITIONER COLLEGE IN ENGLISH PUBLISHED BY THE UNIVERSITY IN ITS WEB SITE ON 25.11.2020.**
EXHIBIT P10	**A TRUE PHOTOCOPY OF THE LETTER DATED 27.11.2020 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.**
EXHIBIT P11	**A TRUE PHOTOCOPY OF THE RELEVANT PORTION OF THE NCTE(RECOGNITION NORMS AND PROCEDURE) REGULATIONS 2014.**

EXHIBIT P11(A)	**A TRUE PHOTOCOPY OF THE RELEVANT PORTION OF THE NCTE(RECOGNITION NORMS AND PROCEDURE) (AMENDMENT) REGULATIONS 2017.**