

CWP-32143-2018

Date of Decision:19.02.2020

Shree Sai College of Education  
Vs.

.....Petitioner

The National Council for Teacher Education and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL****Present:** Mr. Pankaj Maini, Advocate  
for the petitioner.Mr. Sandeep Jasuja, Advocate  
for the respondents.

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**SUDHIR MITTAL J. (ORAL)**

The petitioner is an institution set up to impart training in Bachelor of Elementary Education Course. It applied for grant of letter of intent and the same was granted by the NCTE vide its letter dated 25.05.2015. Thereafter, the petitioner initiated the process of appointment of teachers but approval was not being granted by the University and thus, a writ petition viz CWP No.18626 of 2015 was filed. The said writ petition was disposed of vide order dated 19.12.2016 with a direction to the petitioner to approach the concerned University for grant of necessary approvals and said University would be entitled to supervise the appointments/selection process. However, the appointment process was not completed. The petitioner felt that the period of the letter of intent had expired, and thus it filed writ petition No.27230 of 2015, which was withdrawn vide order dated 04.10.2019 with liberty to apply for extension. Consequently, the matter was considered by the Northern Regional Committee of NCTE in its 291<sup>st</sup> meeting held on 15/16.11.2018 and it was found that the LOI could not be extended. Thus, the present writ petition has been filed.

Regulation 7 of the National Council for Teacher Education (Recognition, Norms and Procedure) Regulation, 2014 to submit that the said clause does not prohibit extension of LOI. Further, Regulation 12 empowers the NCTE to relax any provision of these regulations.

The learned counsel for the NCTE opposes the writ petition. He submits that Clause 13 of Regulation 7 has been framed to permit an institution seeking recognition to make appointment of staff prior to grant of recognition so that its application for recognition may be processed. It covers the period between grant of LOI and grant of recognition. The process of appointment of staff must be completed within two months. Thereafter, in case the exercise is not completed, the LOI comes to an end by efflux of time and a fresh application for grant of LOI has to be filed, in case the institution is interested in setting up the institution.

I shall take up the plea of power of relaxation first. A perusal of Regulation 12 shows that it refers to relaxation in respect of classes of institutions on recommendations of the appropriate Government. The same does not apply to individual institutions and thus, reliance by learned counsel for the petitioner on the said regulation is misconceived.

The argument of learned counsel for the petitioner that under Clause 13 of Regulation 7, the NCTE is not barred from extending the letter of intent, is also misconceived. The said clause makes it clear that the process of appointment of staff must be completed within two months. The LOI is not granted for any specific period. It is only an enabling implement to permit a college seeking recognition to make appointments of qualified staff. By its very nature, the LOI is a transitional document and in case, the appointments are not made within the prescribed period of two months, its efficacy comes to

regular staff and expect the LOI to continue indefinitely.

Thus, I do not find any merit in this writ petition and therefore, the same is dismissed. However, liberty is granted to the petitioner to file a fresh application to seek fresh LOI, if so advised.

(SUDHIR MITTAL)  
JUDGE

19.02.2020

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| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |