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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8980/2018**

NIRMALA CHITTA TEACHER TRAINING INSTITUTE Petitioner
Through : **Mr. Mayank Manish and Mr. Ravi Kant, Advs.**

versus

**NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR** Respondents
Through : **Ms. Arunima Dwivedi, Standing
Counsel with Ms. Niharika Rai and
Ms. Ankita, Advs. for NCTE.**

**CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER**

ORDER
24.02.2020

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1. The substantive prayers made in the writ petition are as follows :
“(a) issue an appropriate writ[s]/direction[s] or order[s] quashing of the ERC, NCTE decision taken in its 252nd meeting Part IV held between 28.02.2018 to 03.03.2018 taken qua Petitioner Institution; and
(b) Directing the ERC, NCTE for processing and deciding the application of the Petitioner Institution for D.El.Ed. Course with annual intake of 100 students instead of 50 students as granted.”
2. Notice in this writ petition was issued on 27.08.2018. Despite opportunity, no counter affidavit has been filed on behalf of the respondents.

3. The limited grievance of the petitioner is that, even though, it had applied for grant of recognition for intake of 100 students (i.e. two units) *qua* D.El.Ed. course, the Eastern Regional Committee (ERC) had granted recognition only *qua* one unit.

4. The ERC, in the first instance, had taken a decision in this behalf on 05.09.2017.

5. Being aggrieved, the petitioner had preferred an appeal. The Appeal Committee of the NCTE vide order dated 13.02.2018 had remanded the matter to the ERC.

6. The ERC, upon remand, has taken the impugned decision in its 252nd meeting held between 28.02.2018 and 03.03.2018.

7. The ERC after revisiting the matter, has reiterated its earlier decision on the ground that the petitioner was not eligible for being granted recognition for two units as the faculty did not have the necessary experience.

8. Mr. Mayank Manish, who appears on behalf of the petitioner, says that the NCTE (Recognition, Norms and Procedure) Regulation, 2014 (in short “2014 Regulations”) provides for experience only vis-a-vis Principal/Head of the Department (HOD).

8.1 In this behalf, my attention has been drawn to Regulation 5.2 of the 2014 Regulations, which is extracted hereafter for the sake convenience:

“5. Staff

xxx

xxx

xxx

5.2 Qualification

A: Professor

(i) Postgraduate degree in Physical Education
(M.P.Ed./M.P.E.) with 55% marks or its equivalent grade.

(ii) *Ph.D. in the area of Physical Education.*

(iii) *At least ten years of teaching/research experience in a department/college of physical education out of which at least five years in the postgraduate institution/University department.*

Note : Any other stipulation prescribed by the UGC/affiliating body/State Govt. from time to time.

B: Associate Professor

(i) *Postgraduate degree in Physical Education (M.P.Ed./M.P.E.) or any relevant subject with 55% marks or its equivalent grade.*

(ii) *Ph.D. in the area of Physical Education.*

(iii) *At least eight years of teaching/research experience in a department/college of physical education out of which at least three years at the postgraduate level.*

Note : Any other stipulation prescribed by the UGC/affiliating body/State Govt. from time to time.

C: Assistant Professor

(i) *Postgraduate degree in Physical Education (M.P.Ed./M.P.E.) with at least 55% marks or an equivalent grade; and*

(ii) *Any other stipulation prescribed by the UGC/affiliating body/State Govt. from time to time for the position of Assistant Professor shall be mandatory.*

D: Assistant Professor in Yoga

Postgraduate degree in Yoga with minimum 55% marks.

Note : Any other stipulation prescribed by the UGC/affiliating body/State Govt. from time to time.

E: Sports Trainers/Coaches

Postgraduate degree/Bachelors degree in physical education with specialization in at least one game/sport (as applicable) or Diploma/PG Diploma in any coaching in a sport (as applicable).

Note : Any other stipulation prescribed by the UGC/affiliating body/State Govt. from time to time.

(Faculty can be utilized for teaching in a flexible manner so as to optimize academic expertise available)."

8.2 Insofar as the other faculty members are concerned, Mr. Manish says that the 2014 Regulations do not stipulate that they should have any minimum experience.

8.3 In other words, in a nutshell, the submission is that the reason given in the impugned decision finds no basis in the 2014 Regulations.

9. Ms. Arunima Dwivedi, who appears on behalf of the respondents, says that while 2014 Regulations do not provide for experience for faculty members, it is a wholesome requirement and therefore, the impugned order should be sustained.

10. Having heard learned counsel for the parties, I find some bit of merit in Mr. Manish's submission.

11. It is Mr. Manish's submission that there is no requirement for experience for faculty members as lecturers have to begin their career in some institution and if experience is stipulated, they would not be able to get requisite employment/engagement.

11.1 While there is, as I indicated, some merit in this submission, there is also merit in Ms. Dwivedi's submission that experience is necessary if quality education is to be imparted to students.

12. Having said so, the difficulty with Ms. Dwivedi's submission is that it is not backed by the 2014 Regulations.

13. The respondents will do well to amend the 2014 Regulations by incorporating a requirement that at least some members of the faculty, if not all, should have experience.

14. Such an amendment would ensure employability of lecturers who have begun their career for the first time and at the same time ramp the

standard of education by having a part of faculty consist of experienced faculty.

15. Insofar as the instant case is concerned, the petitioner will have to succeed as Ms. Dwivedi has not been able to draw my attention to any regulation which would obliged the petitioner to employ faculty members who possessed previous experience in there line of work.

16. Accordingly, the impugned decision is set aside. The ERC will reconsider the matter in the light of the observations made above and pass requisite directions on the petitioner's application.

17. In case the ERC convenes a meeting hereafter, the petitioner's case will be considered in that meeting.

RAJIV SHAKDHER, J

FEBRUARY 24, 2020

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