

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

Sr. No.201

CWP No.4958 of 2018

DATE OF DECISION: August 05, 2021

AJAY KUMAR

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sushil Jain, Advocate, for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. K.K. Gupta, Advocate, for respondent No.3.

None for the respondent No.4.

SUDHIR MITTAL, J. (ORAL)

The petitioner joined the Diploma in Education Course in September, 2010 and completed the same in the year 2012. The course is of two years duration.

The petitioner has had to approach this Court on account of public notice published in September, 2017, a copy of which is annexed as Annexure P-8 whereby it has been stipulated that candidates who had taken admission in the Diploma in Education course w.e.f. 2010 till date and who had not completed the one year mandatory internship, were being given a final chance to complete the same during the period from 25.09.2017 to 31.03.2018. On account of this public notice, the petitioner has not been able to secure a job on the basis of his qualification.

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Learned counsel for the petitioner submits that upon completion of his course, the petitioner was issued a certificate in October, 2012. The course is regulated by the National Council for Teacher Education (NCTE)-respondent No.4 which has framed Regulations known as the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2009 (hereinafter referred to as the Regulations). Appendix-II to the said Regulations prescribes the norms and standards for the course and Clause-2 thereof clearly states that the duration of the course is two academic years. The admission notice pursuant to which the petitioner took admission also recited two years as the duration. Thus, the 3rd respondent was not competent to stipulate an year's internship post completion of the course at its own level. The said stipulation has resulted in extending the duration of the course to three years and information dated 23.08.2016 obtained under the Right to Information Act, 2005 shows that the decision providing for one year's internship was taken without consulting the NCTE. Thus, prescription of one year's internship after completion of the course is beyond the powers of the 3rd respondent and is illegal.

Further, it has been submitted that earlier also certain students had challenged the prescription of this internship vide CWP No.2720 of 2016 (Annexure P-6) titled as ***Mamta Kumari and others vs. State of Haryana and others***. In the said case, vide interim order dated 30.08.2016, the High Court had directed that the petitioners who had completed two years would not be deputed for teaching. During the pendency of the said writ petition, communication dated 08.05.2017 was issued by the 3rd

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respondent on the basis of communication dated 14.03.2017 received from the State Government abolishing the one year internship from the academic session 2014-2016. Thus, the writ petition was rendered infructuous and disposed of as such. This shows that the authorities concerned realized their folly and did away with the internship. Under the circumstances, rejection of representation dated 09.10.2017 submitted by the petitioner vide order dated 10.11.2017 is not sustainable in law.

Learned counsel for the 3rd respondent submits that the said respondent is only an affiliating and examining body. The curricular is laid down by the State Government and is reviewed every year. The decision to introduce one year internship after the completion of the course was taken on 04.10.2010 by the State Government and the said decision is not under challenge. A decision having been taken by an expert body, it is not open to the Court to substitute its opinion for the same. Moreover, the writ petition having been filed in the year 2018 suffers from delay and laches. Further, representation dated 09.10.2017 submitted by the petitioner shows that he had started the internship but could not complete the same on account of alleged domestic reasons. In view of this fact, he is estopped from challenging the requirement of internship.

The core issue that arises in this writ petition is whether the State Government was competent to extend the period of the Diploma in Education course by introducing one year's post course internship?

The Regulations relied upon by the petitioner and referred to hereinabove state that the duration of the course is two years. According to counsel for the 3rd respondent, the State Government has the authority to

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impose additional criterion for improving the standard of education. However, the source of such authority has not been pointed out. Further, the memo dated 08.05.2017 issued by the 3rd respondent clarifies that the State Government had itself issued memo dated 14.03.2017 abolishing the prescription of internship. It is, thus, obvious that the State Government does not have the authority to impose further conditions/criterion beyond those imposed by the Regulating Body i.e. NCTE. In view of the position in law, the decision dated 04.10.2010 of the State Government, relied upon by counsel for the 3rd respondent was without jurisdiction. That being so, students who have taken admission to the Diploma in Education course prior to issuance of memo. Dated 18.05.2017 cannot be subjected to additional one year internship post completion of the course. This renders public notice published in September, 2017 and annexed with the writ petition as Annexure P-8 also without jurisdiction.

The prescription of one year internship being without jurisdiction and void, issues of delay and laches and estoppel raised by counsel for the third respondent need not be dealt with. For the same reason, the argument that decisions of expert bodies shall not be substituted by Courts, is without any meaning.

In view of the above reasons, the writ petition is allowed and order dated 10.11.2017 (Annexure P-13) passed by the 3rd respondent is set aside.

August 05, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No