

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7749/2022**

Date of Decision: 17.04.2023

IN THE MATTER OF:

**KLE SOCIETY'S COLLEGE OF EDUCATION
THROUGH ITS SECRETARY,
131/A/1, A/2, OLD P.B.ROAD,
KG & ENGLISH MEDIUM SCHOOL CAMPUS,
NIPANI TALUK, NIPANI DISTRICT,
BELAGAVI-591237, KARNATAKA** PETITIONER

Through: Ms.Arunima Dwivedi, Ms.Swati
Jhunjhunwala and Mr.Aakash Pathak,
Advocates.

Versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION
THROUGH ITS CHAIRPERSON,
G-7, SECTOR-10, DWARKA,
NEAR METRO STATION, DELHI- 110075** RESPONDENT NO. 1

**SOUTHERN REGIONAL COMMITTEE,
THROUGH ITS REGIONAL DIRECTOR,
NATIONAL COUNCIL FOR TEACHER EDUCATION,
G-7, SECTOR-10, DWARKA, DELHI-110075** RESPONDENT NO. 2

Through: Mr.Govind Manoharan, Mr.Anchit
Singala, Ms.Diksha Tiwari and
Ms.Apurna Singh, Advocates.

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner has filed the instant petition seeking quashment of the order dated 29.07.2021 passed by respondent No.2-Southern Regional Committee (in short 'SRC'), whereby, the recognition of the petitioner for running B.Ed course has been withdrawn. The petitioner also challenges the order dated 18.04.2022 passed by the respondent No.1-National Council for Teacher Education (in short 'NCTE') rejecting the statutory appeal filed by the petitioner upholding the withdrawal order.

2. The facts of the case are that on 30.11.2004, the petitioner college was granted recognition for conducting a secondary (B.Ed) course of one year duration with an annual intake of 100 students from the academic session 2004-2005. On 01.12.2014, Regulations known as the National Council for Teacher Education [Recognition Norms and Procedure] Regulations, 2014 (in short 'Regulations, 2014') were promulgated. Accordingly, on 16.05.2015 a revised provisional recognition order was issued in favour of the petitioner for conducting B.Ed programme of two years duration with an annual intake of 100 for two basic units of 50 students each from the academic session 2015-2016.

3. On 23.10.2019, the SRC issued a show cause notice (in short 'SCN') to the petitioner pointing out certain deficiencies. On 04.11.2019 the petitioner submitted its reply. Between 14.03.2020 to 18.03.2020, the inspection of the petitioner was conducted and the visiting team prepared a report which was received by the SRC on 18.03.2022. Based on the findings of the visiting team, on 23.10.2020 a final SCN was issued to the petitioner. The petitioner again submitted a reply to the final SCN on 06.11.2020.

4. Thereafter, the SRC in its 400th meeting, conducted from 13.07.2021 to 14.07.2021 decided to withdraw the recognition granted to the petitioner for conducting B.Ed. programme w.e.f. the academic session 2021-2022. The petitioner challenged the said decision before the Appellate Committee (in short 'AC') constituted in terms of Section 18 of the National Council of Teacher Education Act, 1993 (in short 'NCTE Act, 1993').

5. In terms of the decision taken in its 400th meeting, the concerned SRC issued the formal order of withdrawal of the recognition on 29.07.2022. Since the counselling was to take place with respect to the academic session 2021-2022, the petitioner preferred W.P.(C)11597/2021 before this court, seeking permission to allow it to participate in the counselling. On 08.10.2021 this court allowed the petitioner to participate in the counselling and to admit the students for the academic year 2021-2022 in view of the proviso of Section 17 of the NCTE Act, 1993.

6. On 18.04.2022, the AC dismissed the appeal of the petitioner and affirmed the order of withdrawal, therefore, aggrieved by the original order dated 29.07.2022 and the order dated 18.04.2022 passed in appeal, the petitioner has preferred this petition.

7. Learned counsel appearing on behalf of the petitioner submits that the impugned decision is illegal and improper. The same has been passed in derogation of the applicable provisions and also the settled legal position. According to her, the order of withdrawal of recognition dated 29.07.2021 is cryptic in nature and the same goes beyond the scope of the SCN. She states that there were three deficiencies noted in the order dated 29.07.2021 and the

petitioner has explained all three deficiencies not only before the concerned SRC but before the AC also.

8. According to the learned counsel for the petitioner, two faculty members not possessing the required qualifications, as mentioned in the order dated 29.07.2021, were already replaced by new faculty members. She, therefore, states that so far as the deficiency with regard to the faculty members is concerned, the same was rectified and new faculty members were appointed which was approved by the affiliating University. With respect to the deficit in total built up area, she states that the order dated 29.07.2021 wrongly records that the total built up area is 2492 sq.mtrs. whereas, she has placed on record certain documents to indicate that the total built up area is 4659 sq.mtrs. She specifically states that there is no embargo or prohibition to run a school along with a B.Ed college so long as the requirement of having an earmarked area for running a B.Ed course is fulfilled. She, therefore, states that as per the Regulations, 2014 the requirement for running a course was of possession of 3000 sq.mtrs built up area and the petitioner does have 4659 sq.mtrs out of which 3106 sq.mtrs is exclusively used for the B.Ed course. She has also taken this court through the order passed by the AC on 18.04.2022 and she states that the reasoning for the rejection of the appeal is based on no material. She specifically points out that if the requirement of the faculty is fulfilled even at the stage of deciding the appeal, the same ought to have been considered by the AC and the same should not have been rejected only on the ground that the deficiency was cured after passing of the order of withdrawal. She also states that the AC has wrongly observed that Clause 8(4)(ii) of the Regulations, 2014 requires an exclusive building for running teacher education courses.

According to her, there is no requirement of having any exclusive building as per the Regulations, 2014.

9. With respect to the requisite qualifications of faculty members, learned counsel for the petitioners states that out of the two replaced faculties, one is admittedly Ph.D qualified and the other is qualified in Karnataka State Eligibility Test (in short 'KSET'). While placing reliance on a UGC Regulation known as the 'UGC Regulations On Minimum Qualifications For Appointment Of Teachers And Other Academic Staff In Universities And Colleges And Measures For The Maintenance Of Standards In Higher Education, 2018', (in short 'UGC Regulations, 2018'), she states that the UGC recognizes National Eligibility Test (in short 'NET') or an affiliated test, State Level Eligibility Test (in short 'SLET') as sufficient qualifications for eligibility to be appointed as a faculty. She, therefore, states that once the UGC recognizes such a qualification to be the eligibility for being appointed as an Assistant Professor, there is no reason why NCTE should not accept such a qualification. She also places reliance on the order dated 07.08.2015 passed by Eastern Regional Committee (in short 'ERC') in a case where a particular society was running a school and a B.Ed college in the same campus and was allowed to continue the B.Ed course. She, therefore, states that the NCTE cannot apply different standards for different institutions.

10. The learned counsel for the petitioner has also placed reliance on the Regulations known as National Council for Teachers Education (Recognition, Norms and Procedure) Amended Regulations, 2021 (in short Regulation, 2021). While taking this court through Appendix 15 Clause 5.2 B (iii), she states that the NET or SLET is also to be recognized as a valid

qualification amongst others for the post of Assistant Professor. She has also relied upon the communication dated 13.08.2018 by NCTE to all regional committees informing them that the notification dated 09.06.2017 is likely to be amended to include SLET qualified persons also. She also stated that the Karnataka Education Department Service (Department of Public Instructions) (Recruitment) (Amendment) Rules, 2017 in short Recruitment Rules, 2017) recognize a teacher eligibility test conducted by the Government of Karnataka or Government of India to be an alternate qualification for the post of a primary school teacher for Class 1 to 5 and Graduate primary teacher from Class 6 to 8. According to her, even the society of the petitioner has already resolved to shift the school to an independent location.

11. Learned counsel appearing on behalf of the respondent-NCTE has opposed the submissions and he states that the decisions taken by SRC and affirmed by the AC do not call for any interference. Learned counsel explains that the petitioner does not fulfill the conditions relating to physical infrastructure as prescribed under the Regulations, 2014. He specifically places reliance on Clause 6.1 of Appendix 4 to the NCTE Regulations, 2014, and states that the petitioner must be in a possession of 2500 sq.mtrs of exclusive well demarcated land to run a B.Ed course for an initial intake of 50 students. He also refers to the definition under Section 2(e) of the NCTE Act, 1993 which defines the word 'institution' as an 'institution which offers courses or training in teacher education'. He, therefore, states that in case of an institution conducting B.Ed course of two years duration with an annual intake of 100 students (2 basic units), such an institution shall possess an additional land of 500 sq.mtrs amounting to a total of 3000 sq.mtrs.

12. The learned counsel appearing for the respondent NCTE also states that the Regulations, 2021 will have to be seen as per Clause 9 thereto, and for each programme specific appendices i.e. Appendix 1 to 15 are prescribed. He, therefore, states that what has been referred by the learned counsel appearing on behalf of the petitioner is Appendix 15 which relates to Integrated Teacher Education Programme (ITEP), however, in the present case, the course in question is B.Ed. for which Appendix 4 will have application. With respect to the communication dated 13.08.2018, he states that till date there is no amendment in notification and, therefore, as of now, the regional committee is bound by the existing Regulations. With respect to the Recruitment Rules, 2017 of the State of Karnataka, he states that the NCTE is bound by the specific regulations applicable for the B.Ed. course. He also states that the Recruitment Rules, 2017 of Karnataka relates to the teacher eligibility test and not to the qualification for the post of Assistant Professor. So far as the arguments with respect to the shifting the school are concerned, he states that such an argument reinforces the fact that the B.Ed. college and school are being run in the same premises. According to him, since there is no permission, therefore, no interference is called for. With respect to the resolution, he states that the same has been passed by the board of management on 11.03.2023 i.e. when the matter is being taken up by this court for its final disposal.

13. Learned counsel appearing on behalf of respondent-NCTE, while taking this court through Appendix 4 of the Regulations, 2014 i.e. 'Norms and Standards for Bachelor of Education Programme leading to the Bachelor of Education (B.Ed) Degree', states that the institutions have to comply with the said norms and Clause 5.2 of Appendix 4 lays down the qualifications

which the faculty appointed in an institution are required to possess. According to him, admittedly the two replaced faculty members were appointed on 03.08.2021 that is after the publication of NCTE (Amendment) Regulation, 2017 i.e. 09.06.2017. He then submits that when the applicable Regulations require to have a particular qualification for the purposes of running B.Ed course, the UGC Regulations, 2018 will not have any application. According to him, as per Regulation 1.1 of the UGC Regulations, 2018 the same would not have any application where the authorities established by an Act of Parliament under Article 246 of the Constitution have framed a separate Regulation.

14. I have heard learned counsel appearing for the parties and perused the record.

15. The order in original dated 29.07.2021, whereby, the permission for running B.Ed course was withdrawn records the following reason in paragraph no.6 of the said order and the same is reproduced as under:-

"6. AND WHEREAS, the SRC in its 400th Meeting held on 13th & 14th July 2021 considered the matter and decided as follows: -

"The original files of the Institution alongwith other related documents. NCTE Act. 1993. Regulations Guidelines Issued by NCTE from time to time and documents furnished by the institution were carefully considered by the SRC and the following observations were made.·

The institution was issued a Final Show Cause Notice (FSCN}. The institution has submitted its reply on 06. 11. 2020. The Committee observed the reply submitted by the institution and found the following deficiencies.

1. The institute was informed that the faculty namely Mahantesh GtriraJ and Sahadev Namdev are not qualified as not possessing NET qualification. The institute submitted that they have instructed faculty to clear the NET in two years The deficiency is not rectified.

2. *The Institution has submitted xerox copy of Building plan in which survey no is not mentioned.*

3. *The Building Plan shows the total build up area as 2492 sq. mt. and a school is also being run in the same premise. The build-up area is not sufficient for the institutions Hence, the Committee decided to withdraw the recognition granted to KLE Society's College of Education, 131/A/1, A/2, Old P.B. Road, KG & English Medium School Campus, Nipani Taluk, Nipani, District-Belagavi-591237, Karnataka for conducting B.Ed. programme with effect from the academic session i.e., 2021-2022 onwards under clause 11(1) of NCTE Act. 1993 on the grounds mentioned above,"*

16. The AC observed that two of the faculties were replaced by the petitioner after passing of the order of withdrawal. It also records that the petitioner does not possess an exclusive building for running the teacher education course and as per the mandate of Clause 8(4)(ii) of Regulations, 2014. The petitioner is running B.Ed course in a school building which according to appellate authority is not permissible as per the prevailing norms and standards. Extract of the order dated 18.04.2022 by the appellate authority is reproduced as under:-

“III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the recognition to the appellant Institution was granted for B.Ed. course of one-year duration with an annual intake of 100 students and after promulgation of 2014 Regulations revised recognition was issued on 16.05.2015.

Appeal Committee noted that the appellant institution alongwith memoranda of appeal has submitted list of faculties approved by the Registrar of Affiliating Body on 19.08.2021 i.e. subsequent to the decision of withdrawing recognition by SRC in its 400th Meeting. Impugned withdrawal order was not submitted with Appeal Memoranda.

In view of the submission made by the appellant, Appeal Committee observes that as per Clause 8(4) (ii) of NCTE Regulations 2014, a well demarcated land area and exclusive Building for running teacher education course is required. The appellant institution is running the instant B. Ed. course in a School building which is not permissible as per prevailing Norms and Standards. Further some of the

faculty are not qualified as per NCTE Regulation, 2014 and its amendment notified in June, 2017.

In these circumstances, the Appeal Committee decided that the SRC was justified in withdrawing recognition, and the appeal deserves to be rejected and withdrawal order issued by SRC confirmed”.

17. Clause 6 of Regulations, 2014 deals with the facilities. Clause 6.1 of Regulations, 2014 speaks about infrastructure. Clause 6.1(i) of Regulations, 2014 reads as under:-

"6.1 Infrastructure

(i) The institutions shall possess 2500 sq mts (two thousand five hundred square meters) of exclusive well demarcated land for the initial intake of fifty students out of which 1500 sq mts (one thousand five hundred square meters) shall be the built up area and the remaining space for lawns, playfields, etc. For an additional intake of fifty students, it shall possess additional land of 500 sqm. (five hundred square metre). For an annual intake beyond two hundred and upto three hundred, it shall possess land of 3500 sqm. (three thousand five hundred square metre). For the institutions established prior to this Regulations, for an additional intake of one hundred students, built up area is to be increased by 500 sqm (five hundred square metre) and the requirement of additional land may not apply to them."

18. It is thus, seen that as per Clause 6.1(i) of Regulations, 2014 the institution shall be in possession of 2500 sq.mtrs of exclusive well demarcated land for the initial intake of 50 students for running B.Ed course by the institution. Out of 2500 sq.mtrs, 1500 sq.mtrs is to be built up area and the remaining area is to be earmarked for lawns, play field etc. It also requires that for an additional intake of 50 students, the institution shall possess additional land of 500 sq.mtrs. In the instant case, the petitioner was operating with an intake capacity of 100 students and hence the petitioner was required to possess 3000 sq.mtrs of exclusive well demarcated land. It is seen that neither before the AC nor before this court, the petitioner has been able to point out that the petitioner college fulfills the requirement of

Regulation 6.1(i) of the Regulations, 2014. What is being contended is that the petitioner does have 3000 Sq.Mtrs built up area specially earmarked for operating B.Ed course. This however, is not the requirement in the Regulations, 2014. The Regulations will have to be understood and interpreted in a way, they have been framed.

19. With respect to the qualification of faculty, Clause 8 of the (Amendment) Regulations, 2017 reads as under:-

"8. In the said regulations in Appendix-4, in paragraph 5 in sub paragraph 5.2,-

a) after C (ii) and between "Desirable" the following Note shall be inserted namely:-

Note-"Besides fulfilling the above qualification the candidate shall have cleared the National Eligibility Test (NET) conducted by University Grants Commission. Provided candidates, who are, or have been awarded PhD degree in Education in accordance with the University Grant Commission (Minimum Standard and Procedure for Award of Ph.D. Degree) Regulation 2009, shall be exempted from the requirement of the clearing of NET for appointment as Assistant Professor or equivalent position in Universities or college or institutions",

(b) after C (ii), the entry "Desirable: Ph.D. degree in Education with subject specialisation" shall be omitted."

20. A perusal of Clause 8 indicates that the candidate shall have the NET qualification conducted by UGC provided the candidates, who are or have been awarded a Ph.D Degree in education in accordance with the UGC (Minimum Standard and Procedure for Award of Ph.D. Degree) Regulations 2009, shall be exempted from the requirement of clearing of NET for appointment as an Assistant Professor or equivalent position in Universities or college or institutions. The requirements of the Regulation is unequivocally clear that the candidate must possess NET or Ph.D. In the instant case, one of the faculties replaced by the petitioner possesses a Ph.D degree, however, the other faculty is having a KSET qualification.

21. The applicable (Amendment) Regulations, 2017, nowhere recognizes or allows the State NET to be an equivalent qualification. So far as the arguments made by learned counsel appearing on behalf of the petitioner on the basis of the UGC Regulation, 2018 is concerned, Clause 1.1 of UGC Regulations, 2018 specifically provides that the authorities established by a relevant Act of Parliament under Article 246 of the Constitution of India for the purpose of coordination and determination of standards in institutions for higher education, research and scientific and technical institutions, shall prevail over UGC Regulations, 2018. In the instant case, it is seen that the (Amendment) Regulations, 2017 are framed by the NCTE and the same have been published in the Official Gazette. It is for this reason that the Regulations, 2017 will have precedence over UGC Regulations, 2018. Clause 1.1 of UGC Regulations, 2018 reads as under:-

"1.1 For teachers in Faculties for which Statutory Professional Councils/Bodies exist like Indian Council for Agricultural Research, Ministry of Health and Family Welfare and Ministry of AYUSH, National Council of Teacher Education, All India Council for Technical Education, Rehabilitation Council of India, etc., the norms and regulations stipulated by the concerned Statutory Professional Councils/Bodies, if any, shall apply for the purposes of direct recruitment with the following proviso:

i. The UGC Regulations shall be applicable for direct appointment of Teachers, in case the concerned Statutory Professional Councils/Bodies have not laid down the norms so far with the condition that in such cases, the norms of the Statutory Professional Councils/Bodies shall be applicable from the date they are notified by the concerned Councils/Bodies.

ii. In the subjects in which NET/SET/SLET is conducted by UGC/CSIR or any other body accredited by UGC, NET/SET/SLET shall be an additional requirement for appointment to the post of Assistant Professor and equivalent positions as per Clause 3.3."

22. A bare reading of the Regulations, 2021 would make it clear that various programmes shown in the table appended to Regulations, 2021 have to be completed with the norms and standards specified in Appendix 1 to 15.

Clause 4 of the Regulations which amends Regulation 9 of Regulations 2014, reads as under:

*“9. **Norms and standards.**- Every institution offering the following programmes shown in the Table shall have to comply with the norms. and standards for various teacher education programmes as specified in Appendix 1 to Appendix 15:*

<i>Sl.</i>	<i>Norms and Standards</i>	<i>Appendix No.</i>
1.	<i>Diploma in early childhood education programme leading to Diploma in Preschool Education (DPSE)</i>	<i>Appendix-1</i>
2.	<i>Elementary teacher education programme leading to Diploma in Elementary Education (D.El.Ed.)</i>	<i>Appendix-2</i>
3.	<i>Bachelor of elementary teacher education programme leading to Bachelor of Elementary Education (B.El.Ed.) degree.</i>	<i>Appendix-3</i>
4.	<i>Bachelor of education programme leading to Bachelor of Education (B.Ed.) degree.</i>	<i>Appendix-4</i>
5.	<i>Master of education programme leading to Master of Education (M.Ed.) degree.</i>	<i>Appendix-5</i>
6.	<i>Diploma in physical education programme leading to Diploma in Physical Education (D.P.Ed.).</i>	<i>Appendix-6</i>
7.	<i>Bachelor of physical education programme leading to Bachelor of Physical Education (B.P.Ed.) degree</i>	<i>Appendix-7</i>
8.	<i>Mater of physical education programme leading to Master of Physical Education (M.P.Ed.) degree</i>	<i>Appendix-8</i>
9.	<i>Diploma in elementary education programme through Open and Distance Learning System leading to Diploma in Elementary Education (D.El.Ed.)</i>	<i>Appendix-9</i>
10.	<i>Bachelor of Education Programme though Open and Distance Learning System leading to Bachelor of Education (B.Ed.) degree.</i>	<i>Appendix-10</i>

11.	<i>Diploma in arts education (Visual Arts) programme leading to Diploma in Arts Education (Visual Arts)</i>	<i>Appendix-11</i>
12.	<i>Diploma in arts education (Performing Arts) programme leading to Diploma in Arts Education (performing Arts).</i>	<i>Appendix-12</i>
13.	<i>Bachelor of education programme (Part Time) leading to Bachelor of Education (B.Ed) degree.</i>	<i>Appendix-13</i>
14.	<i>B.Ed. M.Ed (3 years integrated) programme leading to B.Ed., M.Ed (Integrated)degree.</i>	<i>Appendix-14</i>
15.	<i>Integrated Teacher5 Education Programme(ITEP)</i>	<i>Appendix-15</i>

23. Clause 5.2 i.e. the qualification shown from Appendix 15 is with respect to ITEP and, therefore, the same cannot have any applicability for the course of B.Ed.

24. The NCTE has prescribed different qualification for different programmes. It is also to be seen that what is binding on the NCTE is the applicable existing Regulations.

25. The communication dated 13.08.2018 cannot supersede the applicability of 2014 Regulations. The regional committee cannot withhold their decision on the basis of communication dated 13.08.2018, if no amendment takes place in the applicable Regulations. The rules of Karnataka Education Department of 2017 will have no application in governing the course of grant of recognition by the NCTE in view of the applicability of the specific Regulation for that purpose. It is also to be noted that the institution, if it shifts the school to a separate building, would be entitled to apply afresh in accordance with law, however, as of now, on the basis of the subsequent resolution, the decision taken by the NCTE cannot be found fault with.

26. It is thus, seen that in the absence of any provision, under the applicable Regulations providing for the applicability of the UGC Regulation, 2018, the same will not have any application in the instant case.

27. So far as the order relied upon by learned counsel appearing on behalf of the petitioner dated 07.08.2015 passed by ERC granting continuation to one of the institution is concerned, the same would also not help the petitioner. It is seen that the order dated 07.08.2015 is not a part of the pleadings in the instant case. Secondly, the same is not passed by SRC which is the concerned regional committee that has passed the decision under challenge. Nevertheless, a perusal of the order dated 07.08.2015 passed by the ERC indicates that a school and B.Ed college was being run in the same campus. There is a fine distinction between sharing a campus and sharing a building. In the instant case, the respondent has not assigned the reason of two institutions i.e. the school and the B.Ed college being run in the same campus but the stand taken by the SRC is that the petitioner is not in possession of the requisite land to run the course which is required under the Regulations, 2014. This fact remains unassailable. It is for this reason that the said arguments cannot be accepted.

28. This court in the case of ***Baba Hira Das Ji Ayurvedic Medical College And Hospital vs Union of India and Ors.***¹ after having considered various earlier decisions on the issue has held that normally the courts should be slow to interfere with the opinions expressed by the experts.

29. Paragraph Nos. 17 and 18 of the said case are reproduced as under:-

¹ 2023/DHC/000742

*“17. It is well settled in the law that normally the courts should be slow to interfere with the opinions expressed by the experts. It would normally be wise and safe for the courts to leave the decisions of academic matters to experts who are more familiar with the problems they face than the courts generally can be. [See:- **University of Mysore in C.D. Govinda Rao and Another**]*

*18. The principles of law laid down in the case of **University of Mysore (supra)** is being constantly followed by the Hon'ble Supreme Court in all subsequent decisions. [See:- **M.C. Gupta (Dr.) vs Dr. Arun Kumar Gupta, J.P. Kulshrestha (Dr.) vs Allahabad University, Maharashtra State Board of Secondary and Higher Secondary Education vs Paritosh Bhupeshkumar Sheth, Dalpat Abasaheb Solunke vs Dr. B.S. Mahajan, Neelima Misra vs Harinder Kaur Paintal, Bhushan Uttam Khare vs B. J. Medical College, Chancellor vs Dr. Bijayananda Kar, J&K State Board of Education vs Feyaz Ahmed Malik, Dental Council of India vs Subharti K.K.B. Charitable Trust, Medical Council of India vs Sarang, Rajbir Singh Dalal (Dr.) vs Chaudhari Devi Lal University, B.C. Mylarappa vs Dr. R. Venkatasubbaiah, All India Council for Technical Education vs Surinder Kumar Dhawan**].”*

30. A similar view has been taken by this court in the case of **Debbyoti Ghosh vs Jawaharlal Nehru University and Anr.**² decided 15.02.2023. Vide paragraph no.19 of the said case, it has been held as under:

*“19. It is not advisable for courts to interfere with the functioning of the educational institutions, which have expertise in their field. It would be highly inappropriate to tinker with the decision of the educational bodies without realizing the pros and cons of the situation. There is no allegation of mala fide against the University or its officers. The Academic Ordinance is applicable uniformly to all the students. Any interference on the ground of one reason or the other would dilute the sanctity of the Academic Ordinance. The same is not permissible in exercise of power under Article 226 of the Constitution when the validity of the Ordinance remained unchallenged. Reliance can be placed on the decisions of the Hon'ble Supreme Court in the cases of **The University of Mysore and Anr vs C. D. Govinda Rao and Anr, Maharashtra State Board Of Secondary and Higher Secondary Education vs Paritosh Bhupesh Kumar Sheth Etc., Bhushan Uttam Khare vs Dean, B.J. Medical College and Ors., Medical Council Of India vs Sarang and Ors. and U.P. Public Service Commission vs Rahul Singh**.”*

² 2023/DHC/001259

31. In the view of the above observations, this court does not find any reason to interfere with the orders passed by the authorities and accordingly, the instant petition is dismissed.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 17, 2023

MJ/Priya

