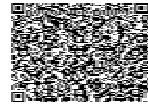


IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:103348-DB



Civil Writ Petition No. 16241 of 2022 (O&M)

Date of Decision: 09.08.2024

Syon Educational & Welfare Society and others

.....Petitioners

versus

The National Council for Teachers Education and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL, JUDGE

Present : Mr. R.Kartikeya, Advocate, for the petitioners.
Mr. Karan Singh Gill, Standing Counsel for respondent-NCTE
respondents No.1 and 2.
Mr. Akshay Kumar Goel, Advocate, for respondent-No.3
Panjab University.
Mr. Salil Sabhlok, Sr. Deputy Advocate General, Punjab.
for respondent No.4.
Mr. Ekjot Sandhu, Advocate, for respondent No.5-GNDU.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This petition has been filed by the petitioner-society running a B.Ed. college seeking a direction to the respondent-Panjab University to grant affiliation and permit their college to make admissions for B.Ed. course for the academic session 2022-23. The petitioner also prayed for issuance of a direction to respondent No.5 to include the name of the petitioner college in the list of the colleges enabling the candidates to opt the petitioner-college for pursuing two years B.Ed. course. A further prayer has also been made for quashing the letter dated 23.06.2022 (Annexure P-29) whereby the respondent-Panjab University was insisting for re-verification of the NOC thereby delaying the process of admission.

2. It is not disputed at the Bar that on account of the interim order passed by this Court on 05.08.2022, the petitioner college had admitted the students and they have completed their two years course in May-2024 with the result having been declared on 19.07.2024.

3. This case discloses an extremely sorry state of affairs where due to the irregularities perpetuated by the National Council for Teachers Education (NCTE) of issuance of conditional recognition vide Annexure P-5, which was prohibited in terms of the judgment passed by the Apex Court in ***Adarsh Shiksha Mahavidyalaya and others vs. Subhash Rahangdale and others (2012) 2 Supreme Court Cases 425***, the petitioner college was allowed to admit students in terms of the interim orders passed by this Court on 05.08.2022 and 14.11.2022. The students were allowed to conclude their course and the NCTE did not make any efforts to either vacate the interim orders passed by this Court or bringing the fact of the petitioner-college not having completed the conditions subject to which the conditional recognition was granted.

4. It is not disputed at the Bar that the University has never granted any affiliation to the said college. The career of the students has been put to peril by conjoint act of the NCTE and the petitioner-college who appear to be hand in glove.

5. The Apex Court in the case of ***Adarsh Shiksha Mahavidyalaya and others vs. Subhash Rahangdale and others (supra)*** has categorically held that no conditional recognition shall be granted by the NCTE. The relevant portion of the said judgment is reproduced herein for ready reference and convenience:-

“79. What needs to be emphasised is that no recognition/permission can be granted to any institution desirous of conducting teacher training course unless the mandatory conditions enshrined in [Sections 14\(3\)](#) or 15(3)

read with the relevant clauses of Regulations 7 and 8 are fulfilled and that in view of the negative mandate contained in Section 17A read with [Regulation 8\(10\)](#), no institution can admit any student unless it has obtained unconditional recognition from the Regional Committee and affiliation from the examining body.

87 (i) The Regional Committees established under [Section 20](#) of the 1993 Act are duty bound to ensure that no private institution offering or intending to offer a course or training in teacher education is granted recognition unless it satisfies the conditions specified in [Section 14\(3\)\(a\)](#) of the 1993 Act and Regulations 7 and 8 of the Regulations. Likewise, no recognised institution intending to start any new course or training in teacher education shall be granted permission unless it satisfies the conditions specified in [Section 15\(3\)\(a\)](#) of the 1993 Act and the relevant Regulations. (emphasis supplied).

6. The aforesaid judgment cited supra was pronounced on 06.01.2012 by the Apex Court. The NCTE being well aware of the said law laid down by the Apex Court granted conditional recognition to the petitioner college as late as on 03.03.2015.

7. In view of the above, this Court is though left with no option, merely in the interest of the students to save their admissions, but certain observations and directions deserve to be passed against the petitioner college as well as the NCTE.

8. The NCTE is creature of a statute which is obliged to stay away from arbitrariness, favoritism or discrimination. In the present case, the NCTE has left no stone unturned to demonstrate that it was hand in glove with the petitioner college not only by grant of conditional recognition which was prohibited at the relevant point of time but also by not taking any steps to apprise this Court of the deficiencies which the petitioner college continued to be plagued with. The conditions subject to which recognition was granted were also not fulfilled by the petitioner college.

9. It is further unfortunate to note that this Court had summoned the Director of the Northern Regional Committee which is evident from the interlocutory order passed by this Court on 03.10.2023 and he had ensured that the law laid down by the Apex Court in *Adarsh Shiksha Mahavidyalaya and others vs. Subhash Rahangdale and others (supra)* will be kept in mind in the future. Despite this assurance having been given in 03.10.2023, the NCTE did not take any steps to inform this Court of deficiencies by filing an application for vacating the interim orders pursuant to which the admissions were made. As such this Court is constrained to saddle the NCTE with exemplary costs of Rs. 10 lacs which shall be recovered from the erring officers after conducting enquiries. The said costs shall be deposited in favour of the PGI Poor Patients Fund within a period of 60 days from today. Since the facts and circumstances clearly reveal that the petitioner college was hand in glove with the NCTE, the same costs of Rs. 10 lacs is also imposed on the petitioner college which shall also be deposited in favour of the PGI Poor Patients Fund within the same period.

10. Accordingly, this Court directs that the admission of the students who were admitted by the interim orders dated 05.08.2022/14.11.2022 be regularized and appropriate degrees be issued by the University.

11. With these observations, the writ petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

09.08.2024
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No