



In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 30889 of 2018 (O&M)

Maharaja Agarsain Trust

... Petitioner(s)

Versus

National Council for Teacher Education and Others

... Respondent(s)

2. Civil Writ Petition No. 32064 of 2019 (O&M)

Ramgharia Educational Council

... Petitioner(s)

Versus

National Council for Teacher Education and Others

... Respondent(s)

AND

3. Civil Writ Petition No. 32085 of 2019 (O&M)

Malwa Educational Society

... Petitioner(s)

Versus

National Council for Teacher Education and Others

... Respondent(s)

Reserved On: 03.12.2024
Pronounced On: 16.12.2024

CORAM: Hon'ble Mr. Justice Sheel Nagu, Chief Justice.
Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Nitin Kant Setia, Advocate (Through Video Conferencing)
and Mr. Sahil Sabherwal, Advocate, for the petitioner(s).

Mr. Sanjeep Jasuja, Advocate
for respondent No.1 (In CWP-32064-2019 and CWP-32085-
2019).

Ms. Aditi Chaudhry, Advocate
for Mr. Aman Kashyap, Advocate
for respondent No.1 (In CWP-32064-2019).

Ms. Arundhati Kulshreshtha, Assistant Advocate General,
Punjab, for respondents No.2 and 3.

Anil Kshetarpal, J.

1. Brief Facts

1.1 With the consent of the learned counsel representing the parties, Civil Writ Petition No. 30889 of 2018, Civil Writ Petitions No. 32064 and 32085 of 2019 involving identical issues shall stand disposed of by this common order.

1.2 Precisely, the petitioners' pray for permission to start Diploma in Elementary Education either by opening new college or by starting new course in the existing educational institution and seek affiliation for the same. In all these writ petitions, the permission/recognition has been refused by the National Council for Teacher Education (hereinafter referred to as "NCTE"). The State of Punjab, vide communication dated 28.08.2017, has informed the NCTE that there is no further requirement of self-financed Diploma in Elementary Education Colleges in the State of Punjab as more than 50% seats in the already established colleges are lying vacant as the students are not interested in taking admission.

1.3 It would be noted here that in the earlier round, a bunch of writ petition including Civil Writ Petition No. 12034 of 2015 along with the other connected writ petitions was disposed of on 04.08.2017 with the following

directions:-

“In the circumstances, I direct that in case the petitioner(s)- institutions submit their proposed faculty within 10 days from today i.e. on or before 16.08.2017, the State of Punjab would send its final comments on the faculty as well as on any other matter it may desire to the NCTE on or before 01.09.2017. Thereafter the NCTE would decide the issue after considering the views of the State of Punjab as mandated by the law. It is made clear that in case the NCTE does not receive any communication from the State of Punjab on or before 05.09.2017 it would be free to come to the conclusion that the State of Punjab has neither any objection to the proposed faculty or to the opening of new College. Similarly if the proposed faculty is not received by the State of Punjab by the 16th August, 2017 it would be deemed that the concerned institution is not interested in setting up a College.”

1.4 Thereafter, the NCTE as already noticed, has refused to grant permission/recognition, which is the subject matter of challenge in these three writ petitions. The State of Punjab has filed reply disclosing that as many as 128 colleges at present are imparting education in Diploma in Elementary Education which includes 113 private self financed colleges having total intake capacity of 4980, out of which, in the Academic Sessions 2019-2021, 2329 students opted for the admission, whereas 2651 seats remained vacant. In the written statement, it has been disclosed that as per

Policy”) it has been decided that the diploma level teachers’ education courses are not in line with the policy.

2. Submissions put forth by the learned counsel representing the parties

2.1 The learned counsel representing the petitioners contends that the State Government has no power to refuse permission and the petitioners had applied for permission before the 2020 Policy was notified. He submits that the NCTE has not refused permission on the basis of the stand taken by the State.

3. Analysis of the arguments advanced by the learned counsel representing the parties.

3.1 We have considered the submissions of the learned counsel representing the parties.

3.2 The NCTE itself has refused to grant permission/recognition to all the three petitioner colleges vide separate orders passed on 14.06.2018. In Civil Writ Petitions No. 32064 and 32085 of 2019, the appeals filed by the petitioners have also been dismissed. Thus, the refusal of permission is by the NCTE and not by the State Government. Moreover, while filing reply in Civil Writ Petition No. 32085 of 2019, the NCTE has disclosed that that there was no requirement of opening new colleges. The NCTE has also highlighted that the requests for opening new educational institutes for diploma level courses pending before the various regional committees at various stages were considered by the NCTE in its 55th General Body Meeting on 14.07.2022 and in view of the introduction of the 2020 Policy, it

with the recommendations of the 2020 Policy. Hence, it was decided that the applications for the various diploma level courses pending at various stages shall not be processed further.

3.3 It is evident that the petitioner(s) have no vested right to open/start the Diploma in Elementary Education particularly when in the State of Punjab, the availability of the seats is more than the actual demand for the same. It is not the case of the petitioners that during all these years, the position has improved. Mere submission of the applications does not clothe the petitioners with any right. The education sector is required to be regulated. It is not akin to business which is regulated by economics. The State Government, while considering the request for permission/recognition/affiliation are well within its rights to consider all the aspects before granting the permissions.

4. **Decision**

4.1 Keeping in view the aforesaid facts, finding no merits, all the three writ petitions are dismissed.

4.2 The miscellaneous application(s) pending, if any, in all the three writ petitions shall stand disposed of.

(Anil Kshetarpal)
Judge

(Sheel Nagu)
Chief Justice

December 16th, 2024

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No