



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 3354/2024 & CM APPL. 13817/2024****ASSOCIATION OF NCTE APPROVED
COLLEGES TRUST**

..... Petitioner

Through: **Mr. Abhishek Singh and Mr. Karan
Chaudhary, Advocates**

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION THROUGH
ITS REGISTRAR CUM MEMBER SECRETARY & ORS.**

..... Respondent

Through: **Mr. Balbir Singh, Senior Advocate
with Mr. Akhilesh Shrivastava, Mr. N
K Bhatnagar, Mr. Manoj Kumar and
Mr. Naman Tandon, Advocates for
NCTE**Reserved on: 5th March, 2024

%

Date of Decision: 30th April, 2024**CORAM:****HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****J U D G M E N T****MANMEET PRITAM SINGH ARORA, J:**

1. The present writ petition has been filed by under Article 226 of the Constitution of India seeking following reliefs:

“A. Issue a writ, direction or order in the nature of certiorari/ quo warranto or any other appropriate writ, direction or order for quashing/setting aside the decision dated 27.04.2022 taken by the respondent no. 1 in its 54th



general body meeting to the effect it mandates the submission of fresh application for grant of recognition to ITEP course for transition from the B.SC.B.ED./B.A.B.ED. course to integrated teacher education programme.

B. Issue a writ direction or order in the nature of certiorari/ quo warranto or any other appropriate writ, direction or order for quashing/setting aside the decision dated 25.03.2023 taken by the respondent no. 1 in its 56th general body meeting to the effect it mandates the submission of fresh application for grant of recognition to ITEP course for transition from the B.SC.B.ED./B.A.B.ED. course to integrated teacher education programme.

C. Issue a writ, direction or order in the nature of certiorari/ quo warranto or any other appropriate writ, direction or order for quashing/setting aside the national council for teacher education (recognition norms and procedure) (amendment) regulations, 2024 notified on 25.01.2024.

D. Issue a writ, direction or order in the nature of certiorari/ quo warranto or any other appropriate writ, direction or order for quashing/setting aside the public notice dated 05.02.2024 issued by the Respondent no.1”

(Emphasis Supplied)

Brief facts

2. The Petitioner herein is stated to be a registered Association of all teachers training institutions throughout India, which are recognised by Respondent No.1 i.e., National Council for Teacher Education (‘NCTE’), as per the National Council for Teacher Education Act, 1993 (‘NCTE Act’).

3. It is stated that the member institutions under the Petitioner Association have been granted recognition between the year 2016-2021 for offering the ‘4-year integrated programme leading to B.Sc.B.Ed./B.A.B.Ed. Degree’.

3.1. It is stated that the Respondent No.1 had notified¹ National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (‘Regulations of 2014’) in supersession of the erstwhile National

¹ Notified on 28th November, 2014.



Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2009 ('Regulations of 2009'). It is stated that the said erstwhile Regulations of 2009 and the existing Regulations of 2014, deal with matters related to teacher education programmes, the norms and standards of the institutions imparting the said programmes, procedure for recognition of institutions, permission for commencement of new programmes etc. It is stated that the NCTE in the Regulations of 2014 and more specifically in the Regulation 9 therein had prescribed at Appendix 13, the norms and standards for teaching '*4-year integrated programme leading to B.Sc. B.Ed./ B.A. B.Ed. Degree*' i.e., the course being currently offered by member institutions of Petitioner Association.

3.2. It is stated that pursuant to the notification of Regulations of 2014, the member institutions of the Petitioner Association, submitted their respective application(s) under Section(s) 14/15 of the NCTE Act for grant of recognition for offering '*4-year integrated programme leading to B.Sc.B.Ed./B.A. B.Ed. Degree*'². It is stated that the Respondent Nos. 2 to 5 i.e., the Regional Committees of NCTE after satisfying themselves with respect to compliance of norms and standards required by the institutions for running the said course, granted recognition to the said institutions and issued Letters of Intent ('LOI').

3.3. It is stated that subsequent to the grant of aforesaid recognition, the Respondent No.1 made various amendments to the Regulations of 2014 and vide Notification dated 22nd October, 2021, omitted the Appendix 13 of the

² Appendix 13 of the Regulation No.9



Regulation 9 i.e., the course for which recognition was granted to member institutions of the Petitioner Association. The NCTE further *vide* the said Notification substituted Regulation 9, *inter alia*, introducing the new teacher education programme at Appendix 15 i.e. ‘Integrated Teacher Education Programme (ITEP)’ and inserted the Norms and Standards for the said programme as well.

3.4. It is stated that subsequent to the aforesaid, the Respondent in its 54th meeting held on 27th April, 2022, approved the following proposals made to it:

*“I. The institutions wherein the Regional Committees have granted recognition for the 4-year Integrated B.Sc.B.Ed./B.A.B.Ed. programme, their recognition shall remain valid. **They would be allowed to enroll students subject to the condition that they shall transition to the new 4 year ITEP curriculum in accordance with NCTE Amended Regulations 2021 dated 22.10.2021 before start of academic session 2023-24.** As the Amended Regulation 2021 came to effect vide directions from MoE under Section 29 of NCTE Act 1993, therefore if approved it would be communicated to MoE for legal vetting and bringing necessary amendments in the NCTE Notification dated 22.10.2021 published in the Gazette of India.”*

(Emphasis Supplied)

3.5. It is stated that thereafter, in the 56th meeting held on 25th March, 2023, the Respondent reconsidered the issue of transition of existing institutions offering ‘4-year integrated programme leading to B.Sc.B.Ed./B.A.B.Ed. Degree’ to ITEP course and it was decided that the existing institutions can admit students for the erstwhile [omitted programme] programme till the academic session of 2024-2025 and the transition to ITEP course should be completed before the commencement of



academic session of 2025-2026. The decision taken at the 56th meeting of the NCTE reads as under:

“The Council approved the proposal to complete the transition of the existing institutions running integrated B.A.B.Ed./B.Sc.B.Ed. into ITEP by academic session 2025-2026 in place of academic session 2023-24. The institutions wherein the Regional Committees have granted recognition for the 4-year Integrated B.Sc.B.Ed/B.A.B.Ed. programme, prior to omission of Appendix-13 of NCTE Regulation 2014 their recognition shall remain valid. They would be allowed to enrol students subject to the condition that they shall transition to the new 4 Year ITEP curriculum in accordance with NCTE Amended Regulations 2021 dated 22.10.2021 before start of academic session 2025-26. As the Amended Regulation 2021 came to effect vide directions from Ministry of Education, Gol under Section 29 of NCTE Act 1993, therefore, it would be communicated to Ministry of Education, Gol for legal vetting and bringing necessary amendments in the NCTE Notification dated 22.10.2021 published in the Gazette of India. Accordingly, the old integrated course would be discontinued from the academic session 2025-2026 and no fresh admissions would be allowed to any of the existing institutions running the old course.”

3.6. It is stated that the Regulations of 2014 were further amended vide Notification dated 25th January, 2024, whereby in Appendix 15 of the said Regulations, after paragraph 6, the following paragraph was inserted:

*“6A. **The institutions** which have been granted recognition for conducting 4-year Integrated B.Sc.B.Ed./B.A.B.Ed. programme under the **omitted Appendix-13** prior to its omission vide Gazette Notification No: NCTE-Reg/011/80/2018-MS(Regulation)-HQ, dated the 22nd October, 2021 **shall continue and they shall be allowed to enroll students subject to the condition that they shall transit to the new Integrated Teacher Education Programme** in accordance with the National Council for Teacher Education (Recognition Norms and Procedure) Amendment Regulations, 2021 dated the 22nd October, **2021 before the start of the academic session 2025-2026.** 4-year Integrated B.Sc.B.Ed./B.A.B.Ed. programme under the omitted Appendix-13 shall be discontinued from the academic session 2025-2026 and no fresh admissions shall be allowed to any of the existing institutions conducting 4-year Integrated B.Sc.B.Ed./B.A.B.Ed. programme under omitted Appendix-13.”*

(Emphasis Supplied)



3.7. The decision of NCTE taken in its 56th meeting thus, got mirrored in the amendment made to Appendix – 15 by inserting paragraph 6A.

3.8. It is stated that the member institutions of the Petitioner Association are aggrieved since the NCTE has now *vide* public notice dated 5th February, 2024, invited applications from the recognised institutions, who wish to transition from the omitted Appendix-13 i.e., ‘4-year integrated programme leading to B.Sc. B.Ed./ B.A. B.Ed. Degree’ to the new ITEP course. It is stated that the said public notice was challenged by one institution in W.P.(C) 2589/2024 titled as ‘**Kanya Gurukul Colleges of Education v. National Council for Teacher Education**’, however, the same was dismissed with a finding that transition to the ITEP course from the now omitted ‘4-year integrated programme leading to B.Sc. B.Ed./ B.A. B.Ed. Degree’ will be treated as a new application, which would require following the process of grant of initial approval. It is stated that the effect of the decisions taken at the 54th and 56th meetings of NCTE and the impugned public notice is that the member institutions will have to submit applications for grant of fresh recognition for transition to the ITEP course.

3.9. It is stated that the transition from omitted old course to the new ITEP course should ordinarily not require the process of fresh recognition or permission. It is stated that in similar circumstances, *vide* the Regulations of 2014, the Respondent No.1–NCTE had changed the duration and curriculum of a distinct B.Ed. course (Appendix 4 of Regulations of 2014) and increased its duration from one (1) year or two (2) semesters³ to two (2)

³ As was under the Regulations of 2009.



years or four (4) semesters. It is stated that with respect to the said B.Ed. Course, the recognised institutions who had consented (on an affidavit) to come under the Regulations of 2014, were given the revised recognition orders by the respective Regional Committees of the NCTE without undertaking the fresh exercise of processing of application; as is being sought to be done by the public notice dated 5th February, 2024.

3.10. It is stated that the Petitioner Association is aggrieved by the aforesaid public notice inasmuch as it requires the desirous institutions to apply afresh for the ITEP course, which process as per the Petitioner Association is onerous and without any statutory mandate.

Submissions of counsels for parties

4. Learned counsel for the Petitioner stated that members of the Petitioner Association are aggrieved by the decision taken by the NCTE in its 54th and 56th General Body Meetings ('GBM') held on 27th April, 2022 and 25th March, 2023 respectively, as well as the amendment notification dated 25th January, 2024, inasmuch as it mandates the recognised institutions running the, now omitted, '*4-year integrated programme leading to B.Sc.B.Ed./B.A.B.Ed. Degree*', to submit fresh applications for grant of recognition so as to enable offering the ITEP course. He stated that about 782 institutions have been granted recognition by NCTE for the '*4-year integrated programme leading to B.Sc. B.Ed./ B.A. B.Ed. Degree*' before its omission *vide* amendment notification dated 22nd October, 2021.

4.1. He stated that NCTE is erroneously considering the ITEP course as a new course, whereas it is merely a transition from the '*4-year integrated*



programme leading to B.Sc.B.Ed./ B.A.B.Ed. Degree' being already run by the institutions. He stated that, therefore, there should be no requirement to apply afresh under Section 15 of the NCTE Act for grant of permission for running the ITEP course.

4.2. He stated that in similar circumstances, with respect to a distinct B.Ed. Course, when the tenure of the said course was increased from 1 year or 2 semesters⁴ to 2 years or 4 semesters under the Regulations of 2014, the NCTE had merely asked for an affidavit of consent from the recognised institution to come under the Regulations of 2014. He stated that thus, similar process should have been followed by the NCTE in case of transition to ITEP course as per Notification dated 25th January, 2024.

5. In reply, learned senior counsel for Respondent stated that ITEP is a new course for which entirely new norms and standards provided under the Appendix – 15 in the Regulation 9 of the Regulations of 2014 have to be complied with. He stated that thus, fresh application for permission has to be made by the institutions in terms of the NCTE Act.

5.1. He stated that as per the public notice dated 5th February, 2024, the last date for the concerned institution to submit the application for transition to ITEP Course was 5th March, 2024. He stated that similar petitions have been filed and listed on the same day i.e. 5th March, 2024, at various High Courts across the Country in an attempt to stall the implementation of the transition to new ITEP programme. He stated that, therefore, the present petition is not bona fide.

⁴ as was under Regulations of 2009



5.2. He stated that the challenge to Public notice dated 5th February, 2024, by one recognised institution (presumably a member of the Petitioner Association) before the learned Single Judge of this Court in W.P.(C) 2589/2024 has already been rejected and the petition stands dismissed vide judgment dated 21st February, 2024, wherein the learned Single Judge observed that ITEP is a new course and the desirous institutions will have to necessarily make an application for grant of permission under Section 15(1) of the NCTE Act.

5.3. He stated that the Petitioner Association at prayer 'C' has sought to challenge the vires of the amendment to the Regulations of 2014, notification dated 25th January, 2024, however, no grounds for the challenge have been raised in the petition in this regard.

5.4. He stated that separate petitions for identical prayers are already pending before the learned Single Judge, the details whereof are as follows:

S.NO.	TITLE	PETITION NUMBER	ISSUE UNDER CHALLENGE	STATUS
1.	<i>Shri Krishan Mahila Mahavidyalaya Vs National Council for Teacher Education & Anr.</i>	<i>W.P.(C) No. 9739/2022</i>	<i>54th GB Meeting</i>	<i>Pending NDOH: 21.03.2024</i>
2.	<i>Shyam University vs. NCTE</i>	<i>W.P.(C) No. 5841/2023</i>	<i>56th GB Meeting</i>	<i>Pending NDOH: 13.03.2024</i>
3.	<i>Kanya Gurukul College of Education vs. NCTE</i>	<i>W.P.(C) No. 2589/2024</i>	<i>Public Notice dated 05.02.2024</i>	<i>Dismissed vide order dated 21.02.2024</i>

5.5. He lastly stated that, the Petitioner Association has no locus to maintain the challenge raised in this petition. He stated that no details of the member institutions of the Petitioner Association have been provided in the



petition and even otherwise, in case of any grievance, the aggrieved institution can directly approach the Court.

5.6. He stated that the necessity for asking the institutions to apply for permission to teach the ITEP course is also to meet the objective of the National Education Policy, 2020, which recognised the menace of sub-standard and dysfunctional teacher education institutes.

Findings and Analysis

6. We have heard learned counsel for the parties and perused the record.

7. In this petition, the Petitioner has also filed CM APPL. 13817/2024 seeking ad-interim stay of the public notice dated 5th February, 2024, during the pendency of this petition. The said relief corresponds to prayer (D) in the writ petition.

8. The Petitioner admits that similar relief challenging the Public Notice dated 5th February, 2024, was subject matter of W.P.(C) 2589/2024 filed by the concerned teaching institution⁵, which has been dismissed by the learned Single Judge vide judgment dated 21st February, 2024. Though the said teaching institution has not assailed the said judgment, yet the grounds for challenging the Public Notice are identical in the present petition, we have perused the said judgment. The learned Single Judge while dismissing the writ petition has concluded that ITEP is a new course and, therefore, an application under Section 15(1) of the NCTE Act has to be necessarily made by the applicant institution. The relevant findings of the learned Single Judge reads as under:

⁵ Kanya Gurukul College of Education



“8. Having heard learned Counsel for both sides and having applied myself to the material on record, I am unable to agree with the submission of Mr. Sharawat that the ITEP does not amount to a new course. The ITEP, by its very nomenclature, is an “Integrated Teacher Education Programme”. A programme, classically in education jurisprudence, refers to a new course. Besides, the infrastructure and other requirements which are stipulated for institutions which desire to run the ITEP are distinct and different from those which provide single, or composite, courses, the most important distinction being that the ITEP could be provided only by a Multi Disciplinary Institution (MDI).

9. In so far as the reference to “the new 4 year ITEP curriculum”, in the 54th and 56th GBMs are concerned, the said reference in fact actually substantiates the conclusion that the ITEP is a “new course” within the meaning of Section 15(1) of the NCTE Act. It is axiomatic that one course can have only one curriculum. In education parlance, it is ordinarily unthinkable that one course can have two curricula. The very reference to the “new 4 year ITEP curriculum”, therefore, buttresses the conclusion that the ITEP is in fact a new course within the meaning of Section 15(1) of the NCTE Act.

.....
14. I am completely unable to accept the submission. There is no justification for making any distinction in so far as Section 15(1) of the NCTE Act is concerned, between a new course started by an existing institution and new course started by a new institution. The only distinction between the two is that the new institution would also have to obtain recognition under Section 14. The NCTE Act makes it clear that, even if an existing institution starts a new course, the institution has necessarily to seek permission under Section 15(1). This is apparent from the opening words of Section 15(1) which read “where any recognised institution intends to start any new course or training in teacher education...”. The regulation by itself, therefore, envisages a new course being started by a recognized institution; in other words, an institution which already possesses recognition for the existing courses being imparted by it. There cannot there be any justification to accept Mr. Sharawat’s submission that the ITEP should be treated as a new course for new institutions but should not be treated as a new course for existing institutions.

.....
16. In fact the word “transition” appears to have been used because of the decision of the NCTE, founded on the New Education Policy (NEP) 2020, to phase out all courses except the ITEP. The said decision is subject matter of challenge before this Court in other proceedings, and I am not



expressing any opinion on the legality of the decision here. The use of the word “transition”, however, is obviously only reflective of the fact that there is a gradual movement from the existing B.Sc.B.Ed./B.A.B.Ed course or integrated 4 year courses to the ITEP which, according to the respondent’s avowed objective, should be the only teachers’ training course being provided on or after 2030.

17. That, in my view, is the sense in which the word “transition” or “transit” have been used. They do not in any way indicate that ITEP is not a “new course” within the meaning of Section 15(1) of the NCTE Act. Nor, at the cost of repetition, is there any justification for treating the ITEP as a new course for new institutions and not treating it a new course for existing institutions. That would fly in the face of the very opening words of Section 15(1) of the NCTE Act, which envisage an application for permission being made by any existing institution which desires to start a new course.

*18. Whether, therefore, one examines the issue from the point of view of common parlance, or from a more legalistic perspective, **there appears to be no escape from the position, in law and in fact, that the ITEP is a “new course” within the meaning of Section 15(1) of the NCTE Act.***

19. The inexorable sequitur is that, as the ITEP is a new course for which an application under Section 15(1) has necessarily to be made, there is no illegality in the NCTE calling upon the applicant concerned to pay additional fees of ₹ 1.5 lakhs along with GST, which works out to ₹ 1.77 lakhs. The power to do so vests in the NCTE by Rule 9 of the NCTE Rules.”

(Emphasis Supplied)

9. The aforesaid judgment of the learned Single Judge has been referred to in the present writ petition. However, the Petitioner herein has not challenged the finding of the learned Single Judge that the ITEP course is a new course. It was stated by the Respondent that the ITEP course prescribes a new curriculum, admission procedure, assessment/evaluation criteria, staff requirements and their qualifications, etc. and, most essentially, it is to be offered by a multi-disciplinary higher education institutions as per para 1.4 of the norms and standards of the said ITEP course and the new introduced definition of ‘*multidisciplinary institution*’ inserted at Regulation 2 (ca). In



contrast, under the omitted Appendix 13 i.e., the ‘4-year integrated programme leading to B.Sc.B.Ed./B.A.B.Ed. Degree’ could be offered by a ‘composite institution’. The facets and features of a *composite institution* and a *multidisciplinary institution* though overlapping, have a distinct feature inasmuch as though both are a higher education institution (HEI), however, all HEIs are admittedly, not *multidisciplinary institutions*. It is however, the intent of the NCTE that the ITEP programme is only provided by *multidisciplinary institutions* and not a single stream institution. The exercise intended to be undertaken by the public notice dated 5th February, 2024 is to verify and ascertain if the applicant institution satisfies the conditions of a *multidisciplinary institution*.

10. The 54th meeting of the NCTE records that the new ITEP course has been curated to align teachers training course with the National Education Policy, 2020 (‘NEP, 2020’). In this regard, we may note that the NEP, 2020⁶, specifically provides that teacher education must be provided by multidisciplinary institutions and to this effect all stand-alone teacher education institutions (‘TEIs’) are required to convert to multidisciplinary institutions by 2030. Pertinently, the Petitioner Association before us has not contended that its member institutions are existing multidisciplinary institutions. It would be beneficial to refer to relevant para of applicable NEP, 2020, as it shows the intent behind the introduction of the ITEP course:

“15. Teacher Education

...

⁶ Paragraph 15.1 to 15.11 of NEP, 2020



15.2. According to the Justice J. S. Verma Commission (2012) constituted by the Supreme Court, a majority of stand-alone TEIs - over 10,000 in number are not even attempting serious teacher education but are essentially selling degrees for a price. Regulatory efforts so far have neither been able to curb the malpractices in the system, nor enforce basic standards for quality, and in fact have had the negative effect of curbing the growth of excellence and innovation in the sector. The sector and its regulatory system are, therefore, in urgent need of revitalization through radical action, in order to raise standards and restore integrity, credibility, efficacy, and high quality to the teacher education system.

15.3. In order to improve and reach the levels of integrity and credibility required to restore the prestige of the teaching profession, the Regulatory System shall be empowered to take stringent action against substandard and dysfunctional teacher education institutions (TEIs) that do not meet basic educational criteria, after giving one year for remedy of the breaches. By 2030, only educationally sound, multidisciplinary, and integrated teacher education programmes shall be in force.

15.4. As teacher education requires multidisciplinary inputs, and education in high-quality content as well as pedagogy, all teacher education programmes must be conducted within composite multidisciplinary institutions. To this end, all multidisciplinary universities and colleges - will aim to establish, education departments which, besides carrying out cutting-edge research in various aspects of education, will also run B.Ed. programmes, in collaboration with other departments such as psychology, philosophy, sociology, neuroscience, Indian languages, arts, music, history, literature, physical education, science and mathematics. Moreover, all stand-alone TEIs will be required to convert to multidisciplinary institutions by 2030, since they will have to offer the 4-year integrated teacher preparation programme.

15.5. The 4-year integrated B.Ed. offered by such multidisciplinary HEIs will, by 2030, become the minimal degree qualification for school teachers. The 4-year integrated B.Ed. will be a dual-major holistic Bachelor's degree, in Education as well as a specialized subject such as a language, history, music, mathematics, computer science, chemistry, economics, art, physical education, etc. Beyond the teaching of cutting-edge pedagogy, the teacher education will include grounding in sociology, history, science, psychology, early childhood care and education, foundational literacy and numeracy, knowledge of India and its values/ethos/art/traditions, and more. The HEI offering the 4-year integrated B.Ed. may also run a 2-year B.Ed., for students who have already received a Bachelor's degree in a specialized subject. A 1-year B.Ed. may also be offered for candidates who have received a 4-year undergraduate degree in a specialized subject. Scholarships for meritorious



students will be established for the purpose of attracting outstanding candidates to the 4-year, 2-year, and 1-year B.Ed. programmes.

15.6. HEIs offering teacher education programmes will ensure the availability of a range of experts in education and related disciplines as well as specialized subjects. Each higher education institution will have a network of government and private schools to work closely with, where potential teachers will student-teach along with participating in other activities such as community service, adult and vocational education, etc.

...

15.8. The faculty profile in Departments of Education will necessarily aim to be diverse and but teaching/field/research experience will be highly valued. Faculty with training in areas of social sciences that are directly relevant to school education e.g., psychology, child development, linguistics, sociology, philosophy, economics, and political science as well as from science education, mathematics education, social science education, and language education programmes will be attracted and retained in teacher education institutions, to strengthen multidisciplinary education of teachers and provide rigour in conceptual development.

15.9. All fresh Ph.D. entrants, irrespective of discipline, will be required to take credit-based courses in teaching/education/pedagogy/writing related to their chosen Ph.D subject during their doctoral training period. Exposure to pedagogical practices, designing curriculum, credible evaluation systems, communication, and so on will be ensured since many research scholars will go on to become faculty or public representatives/communicators of their chosen disciplines. Ph.D students will also have a minimum number of hours of actual teaching experience gathered through teaching assistantships and other means. Ph.D. programmes at universities around the country will be re-oriented for this purpose."

11. Keeping in view the mandate and vision of NEP, 2020 and the new norms and standards set out in Appendix 15 for ITEP, the action of the Respondent in issuing a notification dated 25th January, 2024, restricting the existing institutions to discontinue admission for the academic session of 2025-2026 under the omitted Appendix 13 and directing the existing institutions to apply afresh as per public notice dated 5th February, 2024, for offering new ITEP course is valid and merits no interference.



12. The submissions of the Petitioner that the standards and norms provided for the ITEP course in Appendix 15 requires a mere transition from the course earlier provided under Appendix 13 is a bald submission and is without any merit as it fails to appreciate that the mandate of NEP, 2020, proposes a multidisciplinary education for the teachers and the norms and standards prescribed in Appendix 15 aim at achieving the same. The need to impart teaching education through multidisciplinary institutions has been recognised by University Grants Commission as well after the framing of NEP, 2020.

13. The Supreme Court in *Indian Institute of Technology and Others vs. Soutrik Sarangi and Others*⁷ held that courts should be circumspect in exercising their powers of judicial review in matters concerning academic policies. In the aforesaid judgment, the Supreme Court relied on the judgment in *All India Council for Technical Education vs. Surinder Kumar Dhawan and Others*⁸, wherein it was observed that the courts are not equipped to substitute themselves in place of statutory professional technical bodies and take decision in academic matters involving standards and quality of technical education. The relevant para in *Indian Institute of Technology* (supra) reads as under:

“21. The reasoning of the High Court of Criterion 5 not permitting IIT students to participate in IIT (Advanced) for the second time being arbitrary, in the opinion of this Court is not supportable. This Court has repeatedly emphasised that in matters such as devising admissions criteria or other issues engaging academic institutions, the courts' scrutiny in judicial review has to be careful and circumspect. Unless shown to be plainly arbitrary or

⁷ (2021) 17 SCC 79

⁸ (2009) 11 SCC 726



discriminatory, the court would defer to the wisdom of administrators in academic institutions who might devise policies in regard to curricular admission process, career progression of their employees, matters of discipline or other general administrative issues concerning the institution or university [See Basavaiah v. H.L. Ramesh, (2010) 8 SCC 372 : (2010) 2 SCC (L&S) 640 wherein it was observed that it is : (SCC p. 378, para 21) “21. ... settled legal position that the courts have to show deference and consideration to the recommendation of an Expert Committee consisting of distinguished experts in the field. In the instant case, experts had evaluated the qualification, experience and published work of the appellants and thereafter recommendations for their appointments were made. The Division Bench (H.L. Ramesh v. University of Mysore, 2005 SCC OnLine Kar 786) of the High Court ought not to have sat as an appellate court on the recommendations made by the country's leading experts....”]...

...

22. Given this general reluctance of courts to substitute the views of academic and expert bodies, the approach of the High Court in proceeding straightaway to characterise the rationale given by IIT in fashioning Criterion 5 cannot be supported.

13.1. Further, the relevant extract of judgment in ***All India Council for Technical Education*** (supra) reads as under:

“16. The courts are neither equipped nor have the academic or technical background to substitute themselves in place of statutory professional technical bodies and take decisions in academic matters involving standards and quality of technical education. If the courts start entertaining petitions from individual institutions or students to permit courses of their choice, either for their convenience or to alleviate hardship or to provide better opportunities, or because they think that one course is equal to another, without realising the repercussions on the field of technical education in general, it will lead to chaos in education and deterioration in standards of education.

17. The role of statutory expert bodies on education and the role of courts are well defined by a simple rule. If it is a question of educational policy or an issue involving academic matter, the courts keep their hands off. If any provision of law or principle of law has to be interpreted, applied or enforced, with reference to or connected with education, the courts will step in. In J.P. Kulshrestha (Dr.) v. Allahabad University [(1980) 3 SCC 418 : 1980 SCC (L&S) 436] this Court observed: (SCC pp. 424 & 426, paras 11 & 17)



“11. ... Judges must not rush in where even educationists fear to tread. ...

17. ... While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.”

14. In our considered opinion, the issue of the standards to be applied by NCTE for permitting the member institutions of the Petitioner Association to offer the ITEP course starting from academic year 2025-2026, which requires the institutions to apply to NCTE under the impugned public notice dated 5th February, 2024, does not merit any interference and is based on cogent reasons discussed hereinabove.

15. The issue raised by the Petitioner with respect to the transition permitted to institutions offering B.Ed course under Appendix 4 has no application as it appears that the course remained unchanged and it was only the duration of the course which was increased from one (1) year to two (2) years. In contrast, the norms and standards under Appendix 15 including eligibility of the teaching institution are at variance with the now omitted Appendix 13.

16. With respect to prayers (A) and (B) in the writ petition, admittedly, separate writ petitions are already pending before the learned Single Judge and, therefore, we are refraining from expressing any opinion on the said reliefs.

17. With respect to prayer (C) i.e., the challenge to the amendment to the Regulations of 2014, notified on 25th January, 2024, there is no intelligible ground pleaded in the writ petition, nor was any argument advanced during



the oral arguments. In fact, as is apparent from the contentions raised during arguments, the Petitioner Association and its member institutions are willing to transition to the ITEP course, but their only grievance is the requirement of applying afresh for permission in pursuance to public notice dated 5th February, 2024.

18. Therefore, in view of the conclusion that ITEP is a new course, the direction by NCTE to the existing institutions to seek permission for teaching the new ITEP course is in consonance with Section 15(1) of the NCTE Act and cannot be said to be in violation of Articles 14, 19 and 21 of the Constitution as alleged in the writ petition.

19. Accordingly, the present petition is dismissed along with pending application.

MANMEET PRITAM SINGH ARORA, J

ACTING CHIEF JUSTICE

APRIL, 30 2024/rhc/aa