

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.577 OF 2026

Mayuri Ramesh Udale ...Petitioner
Vs
The Union Of India And Others ...Respondents

Mr. Eshan Nayak, Advocate for the Petitioner.
Mr. Vijay Kelledar, Advocate for respondent no.1-UOI.
Mr. Yuvraj Narvankar with Adv. Rahul Patil, Advocate for respondent no.3.
Mr. Satyajeet Rajeshirke (Through VC) a/w. Adv. Rahul Rane, Advocate for respondent nos. 5 & 6.
Mr. A. A. Naik, A.G.P. for the Respondent-State.

Coram : R.G. AVACHAT &
AJIT B. KADETHANKAR, JJ.

Date : 20th FEBRUARY 2026.

Oral Order (Per AJIT B. KADETHANKAR, J) :

1. Heard.
2. Mr. Nayak, learned Advocate for the Petitioner, submits that pursuant to the last order passed by this Court, the Petitioner has amended the title clause as well as the prayer clause of the Petition. By way of amendment, the Chairman, Western Regional Committee (NCTE), has been added as a party Respondent.

3. Today, Mr. Rajeshirke, learned Advocate for Respondent Nos. 5 and 6, submits that the grievance of the Petitioner is that she had taken admission to the B.Ed. course in National Education and completed the first and second semesters. Learned Advocate for the Petitioner submits that the course is of two years' duration, divided into four semesters, i.e., two semesters each year. The Petitioner completed the first year; however, during the course she conceived and subsequently delivered a child. Owing to these circumstances, she could not complete the course within the stipulated period of two years. She therefore approached the Respondents seeking relaxation of the condition prescribing the maximum duration of the course. Since her request was not accepted by the concerned authority, she has approached this Court. It is clarified that the Petitioner had already been granted an extension of one year in exceptional circumstances and now seeks a further extension of one year.

4. Mr. Rajeshirke submits that the Petitioner relies upon Appendix 4 of the Regulations, 2014 framed under the NCTE Act read thus :

***“Norms and Standards for bachelor of education
programme leading to the Bachelor of Education (B.Ed)
Degree***

1. Preamble

The Bachelor of Education programme, generally known as

B.Ed., is a professional course that prepares teachers for upper primary or middle level (classes VI-VIII), secondary level (classes IX-X) and senior secondary level (classes XI-XII). The programme shall be offered in composite institutions as defined in clause (b) of regulations 2.

2. Duration and Working Days

2.1 Duration The B.Ed. programme shall be of a duration of two academic years, which can be completed in a maximum of three years from the date of admission to the programme.

2.2 Working Days

(a) There shall be at least two hundred working days each year exclusive of the period of examination and admission.

(b) The institution shall work for a minimum of thirty six hours in a week (five or six days), during which physical presence in the institution of all the teachers and student teachers is necessary to ensure their availability for advice, guidance, dialogue and consultation as and when needed,

(c) The minimum attendance of student-teachers shall have to be 80% for all course work and practicum, and 90% for school internship.

3. Intake, Eligibility, Admission Procedure and Fees

3.1 Intake

There shall be a basic unit of 50 students, with a maximum of two units. There shall not be more than twenty five students per teacher for a school subject for methods courses and other practical activities of the programme to facilitate participatory teaching and learning.

3.2 Eligibility

(a) Candidates with at least fifty percent marks either in the Bachelor's Degree and/or in the Master's Degree in Sciences/Social Sciences/ Humanity, Bachelor's in Engineering or Technology with specialization in Science and Mathematics with 55% marks or any other qualification equivalent thereto, are eligible for admission to the programme.

(b) The reservation and relaxation for SC/ST/OBC/PWD and other categories shall be as per the rules of the Central Government/State Government, whichever is applicable.

3.3 Admission Procedure

Admission shall be made on merit on the basis of marks obtained in the qualifying examination and/or in the entrance examination or any other selection process as per the policy of the State Government/U.T. Administration and the University,

3.4 Fees

The institution shall charge only such fee as prescribed by the affiliating body/state government concerned in accordance with provisions of National Council for Teacher Education (NCTE) (Guidelines for regulations of nation fees and other fees chargeable by unaided teacher education institutions) Regulations, 2002, as amended from time to time and shall not charge donations, capitation fee etc from the students.”

5. He invites our attention to Clause 1 (Preamble), Clause 2 (Duration of the Course), and particularly Clause 12, which provides for the power to relax the norms. For convenience, Clause 12 is reproduced hereinbelow:

12 Power to relax .-

On the recommendations of State Government or Union Territory Administration concerned, or in cases for removal of any hardship caused in adhering to the provisions in these Regulations, keeping in view the circumstances peculiar to the said State or Union Territory it shall be open to the Chairperson, National Council for Teacher Education, for reasons to be recorded in writing, to relax any of the provisions of these Regulations, in respect of any class or category of institutions, in the concerned state or Union Territory, to such an extent and subject to such conditions, as may be specified in the order allowing relaxation. However, in exceptional cases and for reasons to be recorded in writing, the Chairperson, National Council for Teacher Education shall be competent to relax provisions of these Regulations and the related Norms and Standards subject to its ratification by the Council.

6. On the basis of the aforesaid provision, Mr. Nayak, learned Advocate for the Petitioner, submits that considering the exceptional circumstances of the Petitioner, Respondent Nos. 5 and 6 (NCTE

authorities) as well as the University may be directed to grant relaxation by extending the course duration by one year.

7. Mr. Narvankar, learned Advocate for Respondent No. 3 – University, submits that the University has already dealt with the application filed by the Petitioner and clarified that the authority to relax such norms vests with Respondent Nos. 5 and 6. He submits that the University has recommended the Petitioner’s case to the concerned authority and it is for such authority to take an appropriate decision. However, Mr. Rajeshirke submits that the power to relax the time frame does not vest with Respondent Nos. 5 and 6 and relies upon Clause 12 of Appendix 4 to contend that such power lies with the University.

8. We have heard the learned Advocates for the respective parties exclusively on the issue of power to relax the prescribed duration.

9. Mr. Killedar, learned Advocate for Respondent No. 1, has assisted the Court by placing on record the Notification dated 28th November 2014, which defines the National Council for Teacher Education (Recognition Norms and Procedure) Regulations. He submits that the power to relax, as expressed in Clause 12, refers to the norms governing the education programme. He particularly relies upon the last portion of

Clause 12, which states:

“however, in exceptional cases and for reasons to be recorded in writing, the Chairperson, National Council for Teacher Education shall be competent to relax provisions of these Regulations and the related Norms and Standards subject to its ratification by the Council.”

10. He has further invited our attention to Clauses 1 and 2 of Appendix 4, which lay down the Norms and Standards for the Bachelor of Education (B.Ed.) programme.

11. He submits that these norms are framed in exercise of powers under Section 32 of the NCTE Act and are referable to Clause 12 for the purpose of relaxation.

12. Mr. Nayak, learned Advocate for the Petitioner, submits that the Petitioner’s claim is required to be decided by Respondent Nos. 5 and 6 alone and that the University has rightly recommended her case to the said authorities.

13. Mr. Nayak has also placed on record an order dated 28th March 2024 passed by this Court in Writ Petition No. 3378 of 2023. He submits that in similar circumstances, this Court had directed the NCTE to relax the norms considering the peculiar facts of that case. It is not disputed that the said order has not been challenged by the NCTE authority.

Upon a plain reading of Clause 12 (Power to Relax) and the Norms in Appendix 4 of the 2014 Regulations, and considering Section 21 of the General Clauses Act, it is evident that the authority which frames the norms is also competent to relax the same.

14. In view of the above discussion, we find that the power to relax the norms in respect of extension of the duration of the education programme, even in exceptional circumstances, vests with Respondent Nos. 5 and 6. The University has therefore rightly recommended the Petitioner's proposal to the said Respondents.

15. In these circumstances, the Writ Petition is allowed with the following directions:

- (i) The Writ Petition stands allowed.
- (ii) Respondent Nos. 5 and 6 shall consider the exceptional circumstances of the Petitioner's case and pass an appropriate order granting relaxation by extending the course duration by one year.
- (iii) The aforesaid exercise shall be completed within a period of one week from today.
- (iv) Respondent No. 3 – University is directed to permit the Petitioner to submit her examination forms for Semester III and Semester IV. The Respondent No.3 shall accept the petitioner's exam form and shall allow her participating in the exam.

(v) Considering the limited time available, Mr. Narvankar, learned Advocate for Respondent No. 3, undertakes to inform the University authorities to accept the Petitioner's examination forms, the last date whereof is 23rd February 2026.

16. Parties to act on an authenticated copy of this order.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]

1. Subsequently, at 2.30 p.m. Mr. Rahul Rane holding for Mr. Rajeshirke representing respondent nos. 5 and 6 on instructions submits that the petitioner be directed to submit a comprehensive proposal directly addressed to the Chairman of NCTE and same shall be processed as per the direction given by this Court today morning, within a period of two weeks. He submits that the proposal can be submitted to the chairman on its email id. He undertakes to supply email id of the chairman, NCTE to the petitioner.

2. The learned Advocate for the petitioner accedes to that and undertakes to file such proposal to the Chairman to the NCTE by email by tomorrow.

3. Accordingly, the chairman NCTE shall pass appropriate order on extension proposal within a period of two weeks from today, and shall extend the programme period to enable the petitioner to prosecute III and IV Semester.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]