

(2017) 02 JH CK 0132
In the Jharkhand High Court
Case No : 1082 of 2017

Aruneshwar Verma

APPELLANT

Vs

The State of Jharkhand & ors.

RESPONDENT

Date of Decision : 23-02-2017

Acts Referred:

Citation : (2017) 02 JH CK 0132

Hon'ble Judges : Aparesh Kumar Singh

Bench : SINGLE BENCH

Advocate : Amit Kumar, ?Akshay Mahato, ?P.A.S. Pati, ? Afaque Ahmad

Final Decision : Disposed

Judgement

1. Heard counsel for the petitioner and the Respondents.
2. Petitioner, a self financed Institution, is running a B.Ed Course since 2012 after getting recognition from NCTE vide letter dated 29.06.2012 with annual intake prescribed therein. In terms of NCTE (Recognition, Norms and Procedures) Regulations, 2014 dated 01.12.2014, petitioner also made an application before the deadline on 30.06.2016 i.e. the cut-off date for recognition to D.El.Ed Course for the academic session 2017-19 (Annexure7 series). Government of Jharkhand granted NOC to the petitioner college on 31.05.2016 (Annexure-5).
3. Petitioner contends on the basis of the information furnished under the RTI by Jharkhand Academic Council dated 03.02.2017 (part of Annexure-6 series) that

Jharkhand Academic Council is not an affiliating body to grant NOC to an Institution seeking recognition from NCTE. Counsel for the petitioner submits that communication dated 03.02.2017 clearly states that NOC can be obtained from Directorate of Primary Education. Counsel for the petitioner submits that despite application made on-line with hard copy by the extended deadline prescribed dated

30.06.2016 in terms of orders passed in *Maa Vaishno Devi Mahavidyalaya versus State of Uttar Pradesh and others* [(2013) 2 SCC 617] by the Hon'ble Supreme Court, NCTE has not yet communicated any decision in relation thereto, though 3rd

of March, 2017 is the last date before which such a decision is required to be taken.

Petitioner has therefore been compelled to approach this Court for redress. It is submitted that the Respondent NCTE may be directed to take a decision within the

shortest possible time before the cut-off date 03.03.2017 on the application for grant

of recognition of Diploma in Elementary Education for the academic session 2017-19.

4. Learned counsel for the Respondent Jharkhand Academic Council submits on the basis of letter dated 03.02.2017, enclosed as part of Annexure-6 series also, that

Jharkhand Academic Council is not an affiliating body, so far as grant of no objection certificate to an Institution seeking recognition from NCTE is concerned, unless and until a separate request is made by NCTE. The power to issue NOC lies with the Directorate of Primary Education.

5. Learned counsel for the NCTE submits that since the matter has been filed two days back, instructions have not been received as yet. In case petitioner has applied as per the prescribed format within the cut-off date for seeking recognition

to such a course before the NCTE, the same would be considered in accordance with

law keeping into mind the deadline of 3rd March 2017, as laid down in the case of Maa Vaishno Devi Mahavidyalaya (Supra).

6. Having taken note of the relevant material facts noticed above and upon consideration of the submissions of the counsel for the parties, this Court at this stage, without making any comments on the merits of the contention of the petitioner, considers it proper to dispose of the writ petition with a direction to the Respondent NCTE to take a decision on or before 03.03.2017 on the application of the petitioner, if made as per the prescribed format and the Regulations in the matter

of recognition to D.El.Ed Course for the academic session 2017-19 keeping into mind the deadline of 03.03.2017 stipulated for the said purpose.

7. Writ petition stands disposed of.