

**(2015) 09 SC CK 0183**

**In the Supreme Court Of India**

**Case No :** W.P. (C) Nos. 174, 175, 181, 269, 243, 348, 406, 347, 484, 342, 433 and 610 of 2015

Baba Shiv Nath Singh

APPELLANT

Vs

National Council for Teacher Education and others

RESPONDENT

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**Date of Decision :** 08-09-2015

**Acts Referred:**

**Citation :** (2015) 10 SCALE 65

**Hon'ble Judges :** Ranjan Gogoi and N.V. Ramana, JJ.

**Bench :** Division Bench

**Final Decision :** Allowed

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## **Judgement**

1. Heard learned Counsel for the parties. The Petitioners have been granted recognition by the National Council for Teacher Education ("NCTE" for short) for the year 2015-2016 for conducting Teacher education Course/D.El.Ed.(BTC) Course (hereinafter referred to as "the BTC course"). On the ground that the Academic Session of the year 2015-2016 is yet to commence and such commencement will be inordinately delayed as the Academic Session of the previous year i.e. 2014-2015 is yet to start these writ petitions have been filed for ante-dating the recognition of the Petitioner-Colleges either to the Academic Session 2013-2014 or Academic Session 2014-2015, as may be.

2. The BTC course is a two year course divided into four semesters. Apart from the handful of Government colleges where the BTC course is imparted there are large number of Private colleges offering the said course which is divided into four semesters. Under the NCTE norms, a minimum of 200 working days for each year of the course is mandatory.

3. The procedure and manner in which the course commences, in short, is that after recognition is granted by the NCTE, affiliation by the State Body i.e. State Council for Educational Research and Training ["SCERT" for short] in the present cases, is required to be granted after inspection of the availability of

infrastructure, etc. in the College(s) in question. Once such affiliation is granted the process of admission through counseling is required to be undergone. Each Private college is entitled to admit a maximum of 50 students in each semester which number is fixed at 200 students for the Government Colleges.

4. At this stage, notice must be had to a Time Schedule for submission of application for recognition and grant of recognition and affiliation to the Colleges has been laid down by this Court in *Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P. and Others*, . All that would require to be noticed with regard to the aforesaid Time Schedule fixed by this Court in *Maa Vaishno Devi Mahila Mahavidyalaya (supra)* is that the last date for recognition by the NCTE is fixed as 3rd March of each calendar year whereas the final date for grant of affiliation for the relevant Academic Year is 10th May of each calendar year.

5. It appears that in the State of Uttar Pradesh, with which we are concerned in the present group of cases, upto the Academic Year 2013-2014 the B.Ed. courses were being conducted on Schedule. At least, this is what we have been told at the Bar. For reasons that need not be gone into, for the Academic Year 2013-2014 the picture with regard to admissions as provided to us is as follows:

"The Details of the B.T.C. Training Session of 2013

From the above it is clear that the Academic Session 2013-2014 has commenced belatedly and on different dates for different batches/groups of students. Consequently, the date(s) of completion of the course as well as the date(s) of examination would be different.

6. Additional inputs have been provided by the learned Counsel appearing for the State of Uttar Pradesh to indicate that for the second and third batch of students, as above, second semester examinations have been conducted or are at the final stages of completion. Insofar as the fourth and fifth batches are concerned such examination would be over by the end of December, 2015.

7. The above position has impelled the present group of Petitioners to contend that when the Academic Session for 2013-2014 itself is delayed and the Academic Session for the year 2014-2015 is yet to begin, it is certain that the Academic Session for 2015-2016 for which the Petitioners have been granted recognition will be severely delayed. This will result in wastage of available seats which must be avoided in a situation where the number of candidates are far more than the seats available. This has formed the basis for the Petitioners' claim for ante-dating the recognition and consequentially the affiliation etc.

8. The above claim has been sought to be countered by the Respondent Nos. 3 and 4 in their counter affidavit by stating that the Academic Session 2014-2015 which is already delayed will get further delayed by at least six months if the prayers made in the writ petitions are to be allowed. The process of affiliation of the Petitioner Colleges is not yet complete. Only thereafter the process of admission can start. It has been stated by the learned Counsel for the State of

Uttar Pradesh that the Academic Session 2014-2015 will commence from 22nd September, 2015. The impending session will therefore get derailed if the recognition and consequential affiliation of the Petitioners colleges is to be ante-dated. Insofar as the Academic Session 2015-2016 is concerned, it has been stated in the counter affidavit that the last date for making applications for affiliation was fixed on 28th July, 2015 and once the process of affiliation is finalized the necessary exercise for admissions for Academic Session 2015-2016 will be initiated and the said Session will commence and conclude as expeditiously as possible.

9. The totality of facts noted above indicate certain disturbing features in the conduct of the BTC course in the State of Uttar Pradesh at least from the Academic Year 2013-2014. The first is that the course is being conducted in different batches with each batch having separate dates of commencement and conclusion of the course and also different dates of holding of examination for each batch. This is highly undesirable. The second is the delayed commencement of the Academic Sessions 2013-2014 and 2014-2015 (which is yet to begin). Naturally, the Academic Session 2015-2016 and all subsequent Academic Sessions are bound to get delayed if the issue is not addressed at this stage.

10. We have considered the matter and explored the options that would best serve the interests of the Institutions; the students and the need to maintain the academic calendar. While we have seriously considered the suggestion of the learned Counsels for the Petitioners to declare either the Academic Year 2014-2015 or 2015-2016 as a "zero" year and make the Academic Session of both the years into one i.e. 2014-2016, we are of the view that such course of action would not be proper in the absence of all the Institutions and the representatives of the students who may be affected. We have, therefore, taken into account the available options and have considered it appropriate to conclude that the following directions would serve the purpose indicated above i.e. maintaining discipline, uniformity and consistency in the academic calendar balanced with the interests of the Institutions and the students.

(i) The commencement of the Academic Session 2014-2015 will be from the date as mentioned on behalf of the State of Uttar Pradesh i.e. 22nd September, 2015. The session will commence for the seats available against the first, second and third batch of seats/students mentioned in the Chart extracted above, meaning thereby that for the Academic Session 2014-2015 the seats available against the fourth and fifth batch will not be filled up.

(ii) The Academic Session 2014-2015 will be brought to a close on completion of the mandatory number of working days at the earliest and without any delay.

(iii) The Academic Session 2015-2016 will commence on 22nd September, 2016 and affiliations/admissions etc. in respect of the said Academic Year would stand concluded well in time to enable the commencement of the Session from the date mentioned i.e. 22nd September, 2016.

(iv) The Academic Session 2015-2016 similarly will be brought to its earliest conclusion so that the next Academic Session can begin as per the original academic calendar i.e. July, 2017 and thereafter each Academic Session will strictly adhere to the academic calendar of the State.

(iv) We direct all Authorities i.e. NCTE and SCERT to strictly comply with and adhere to the above directions and not to permit recognition or affiliation beyond the dates mentioned in Maa Vaishno Devi Mahila Mahavidyalaya (supra) and not to grant admissions beyond such dates which may have the effect of putting the date of commencement of the concerned Academic Session itself in peril.

All the writ petitions shall stand answered and disposed of in the above terms and specifically by refusing the prayers for ante-dating of the recognition granted by NCTE to the Petitioner Colleges.