

(2018) 03 GAU CK 0160

In the Gauhati High Court

Case No : WP(C) 782, 4094, 7548 of 2016, 7021 of 2017

BAPAN DAS and 6 ORS

APPELLANT

Vs

THE STATE OF ASSAM AND 2 ORS

RESPONDENT

Date of Decision : 28-03-2018

Acts Referred:

Citation : (2018) 03 GAU CK 0160

Hon'ble Judges : ACHINTYA MALLA BUJOR BARUA

Bench : Single Bench

Final Decision : Disposed Of

Judgement

1. Heard Mr. RC Saikia, learned counsel for the petitioners. Also heard Mr. N Sarma, learned Standing counsel, Secondary Education Department as

well as Mr. A Chamuah, learned Standing counsel, UGC. None appears for the respondents, CMJ University, when the matters are taken up.

2. All the writ petitions arise out of a common issue as to whether the B.Ed degree obtained by the respective petitioners from the CMJ University of

Meghalaya are to be accepted by the authorities in the Education Department, Govt. of Assam for the purpose of evaluating the qualification of the

petitioners for the post of Headmaster/Assistant Headmaster in different schools of the State.

3. Mr. RC Saikia, learned counsel for the petitioner relies upon certain decision of the High Court of Meghalaya, wherein the decision of the Govt. of

Meghalaya not to accept the degrees offered by the CMJ University was set aside. It is stated that against the said order of the Meghalaya High

Court, an appeal was preferred before the Honâ??ble Supreme Court wherein the matter was sent back for an appropriate decision by the Govt. of

Meghalaya. Thereupon, it is stated that some decision has been taken by the Govt. of Meghalaya which goes in favour of the degrees offered by the

CMJ University. Based upon the aforesaid factual situation, Mr. Saikia submits that the B.Ed degree obtained by the petitioners from the CMJ

University are also required to be accepted by the authorities of the Govt. of Assam for the purpose of evaluating their qualification for the post of

Headmaster/Assistant Headmaster.

4. Mr. A Chamuah, learned Standing counsel for the UGC as well as Mr. N Sarma, learned Standing counsel for the Secondary Education

Department submits that the B.Ed degree obtained by the petitioners are not in conformity with the requirements of NCTE regulations and other laws

prevailing for the purpose.

5. Mr. A Chamuah also relies upon the earlier Judgment of this Court dated 24.05.2013 passed in Mukta Ram Deka and Other Vs. State of Assam

and Other, reported in 2013 (4) GLT 528 wherein in paragraph 13 it has been held that the B.Ed degrees obtained, amongst others, from the CMJ

University, Meghalaya are unapproved by the NCTE, and, therefore, they are invalid in the eye of law.

6. Mr. Saikia, learned counsel for the petitioners relies upon a statement dated 01.11.2017 issued by the Press Information Bureau, Govt. of India

which refers to certain amendment to the National Council for Teacher Education Act, 1993, which states that such amendment seeks to give a

retrospective recognition to some Central/State/Union Territory funded Institutions/ University conducting teacher education courses without NCTE

recognition upto the academic year 2017-2018.

7. Be that as it may, it is noticed that the prayers made in this batch of writ petitions are for a direction to the Commissioner and Secretary to the

Govt. of Assam in the Secondary Education Department to give a due consideration to the various representations submitted by the petitioners. One

such representation being representation dated 02.05.2016 filed in WP(C)No.4094/2016 and the other being representation dated 23.12.2015 filed in

WP(C)No.782/2016. It is understood that similar representations have also been filed by the petitioners in other connected writ petitions also.

8. As the prayer of the petitioners is for giving a consideration to such representations seeking for an order to accept the B.Ed degrees of the

petitioners obtained from the CMJ University, this Court is of the view that at this stage, the interest of justice would be met if the Commissioner and

Secretary to the Govt. of Assam in the Secondary Education Department gives a due consideration to all the representations of the petitioners

indicated in the different writ petitions.

9. In order to streamline the matter in a better manner, it is directed that the petitioners would file a common representation raising all the issues that

they may desire to raise to justify the acceptance of the B.Ed degree obtained from the CMJ University and upon the same being filed, the

Commissioner and Secretary to the Govt. of Assam in the Secondary Education Department shall give a due consideration to the same by referring

and relying upon all the provisions of law as it stands today.

10. The petitioners would be at liberty to refer and rely upon any material in order to substantiate their claim, whereas on the other hand, the

Commissioner and Secretary shall also enquire from the appropriate authorities within the Department and if necessary from the UGC also as regards

the validity and acceptance of such B.Ed degree offered by the CMJ University.

11. As contended by Mr. N Sarma, learned Standing counsel for the Secondary Education Department, the Commissioner shall also give a

consideration as to how the petitioners have obtained their B.Ed degrees from the CMJ University while they were still in service. The aforesaid

consideration be completed within a period of 2(two) months from the date on which the representations as required would be filed.

12. In terms of the above, these writ petitions stand disposed of.