

(2013) 05 MP CK 0025

In the Madhya Pradesh High Court

Case No : Writ Petition No. 7383 of 2013

Hivarkhed Shivram Siksha Samiti

APPELLANT

Vs

National Council for The Teachers Education

RESPONDENT

Date of Decision : 08-05-2013

Acts Referred:

Citation : (2013) 05 MP CK 0025

Hon'ble Judges : T.K. Kaushal, J;Ajit Singh, J

Bench : Division Bench

Advocate : R.K. Tripathi, for the Appellant; K.K. Singh, Advocate for Respondent Nos. 1 and 2 and Shri Rahul Jain, D.A.G. for the State/Respondent Nos. 3 and 4, for the Respondent

Final Decision : Disposed Off

Judgement

1. The petitioner is an educational society. It has established Multapi Mahavidyalaya at Plot No. 572/6, 573/12 Betul Road, Tahsil Multai, District Betul. On 30.9.2011 it submitted an online application to the Western Regional Committee, National Council for Teacher Education, seeking grant of recognition/permission for Diploma in Elementary Education (D.El.Ed.) course for the academic session 2012-13. But the Western Regional Committee by order dated 4.6.2012 rejected the application on the ground that the Rajya Shiksha Kendra and School Education Department by their respective letters dated 27.1.2012 and 22.3.2012 have recommended not to grant recognition/permission for D.El.Ed. course in the State of Madhya Pradesh. A Division Bench of this High Court vide order dated 17.7.2012 passed in Writ Petition No. 9988/2012 (Captain Ramesh Chandra Nema v. National Council for Teacher Education) has already quashed a similar order dated 4.6.2012 of the Western Regional Committee on the ground that it wrongly rejected the application for D.El.Ed. course solely on the negative recommendation of the State Government for not opening such new course. The Division Bench has also held that under the National Council for Teacher Education Act 1993 and the Regulations framed therein, the Western

Regional Committee is the competent authority to decide the application and the Committee is required to take into consideration the recommendation of the State Government but the same cannot be the sole ground for rejection of the application. According to the order of the Division Bench, the Western Regional Committee is required to apply its mind and to decide the question with regard to grant of approval to run a course by taking into account the recommendation made by the State Government. With these findings, the Division Bench remanded the matter to the Western Regional Committee with a direction to send for comments of the State Government as well as Rajya Shiksha Kendra and thereafter decide the application afresh by applying its mind.

2. The present case being identical to Writ Petition No. 9988/2012, we also quash the order dated 4.6.2012. But as the academic session 2012-13 has already come to an end, therefore, at this point no relief can be granted to the petitioner. However, the petitioner would be at liberty to submit a fresh application to the Competent Authority for grant of permission to run D.EL.ED course for the academic session 2014-15 within a period of 15 days. If such an application is filed, the Competent Authority is directed to process and decide the same afresh after inviting comments from the State Government in accordance with law in the light of observation made in the case of Captain Ramesh Chandra Nema (Supra). It is, however, made clear that we have not expressed any opinion on the merits of petitioner's application.

3. With the above direction, the petition is finally disposed of. Certified copy as per rules.