
(2014) 06 MP CK 0076
In the Madhya Pradesh High Court
Case No : W.P. No. 8578/2013

Institute of Allied Science and Computer Application	APPELLANT
Vs	
Board of Secondary Education	RESPONDENT

Date of Decision : 17-06-2014

Acts Referred:

National Council for Teacher Education Act, 1993 — Section 17(3)

Citation : (2014) 06 MP CK 0076

Hon'ble Judges : S.K. Palo, J;S.K. Gangele, J

Bench : Division Bench

Advocate : Raja Sharma, Advocate for the Appellant; A.K. Nirankari, Advocate for Respondent No. 1 - Board, Advocate for the Respondent

Final Decision : Allowed

Judgement

1. Heard.

2. The petitioner has filed this petition for the relief that respondent No. 1 Board be directed to conduct the examination of the students of the petitioner institution, who had been admitted in D.Ed. course II year in the academic session 2010-11 and D.Ed. course I year in the academic session 2012-13.

3. The petitioner institution was granted recognition to conduct D.Ed. course with intake of 50 students from the academic session 2004-05. Subsequently, the intake was enhanced to another 50 students from the year 2006-07. The respondent No. 2 had withdrawn the recognition vide order dt. 2.2.2011. Against the aforesaid order, an appeal was filed which was also dismissed vide order dt. 4.1.2012. Thereafter the petitioner filed a petition before this court against the order of withdrawal of recognition and dismissal of appeal. It was registered as W.P. No. 2108/2012. Division Bench of this court vide order dt. 5th September 2012 quashed the order of withdrawal of recognition and dismissal of appeal and the respondents were granted liberty to take action in accordance with the provisions of Act of 1993 and Rules of 1997. The court passed the following

order:-

16. In our opinion, in the case of withdrawal of recognition, it is obligatory on the part of the Council to follow the provisions of statutory Rules of 1997 and the provisions of Act of 1993. In the present case, the aforesaid provisions have not been followed. Apart from this, the Council has passed the order of withdrawal of recognition on the ground that the petitioner had no requisite infrastructure and books. However, the claim of the petitioner is otherwise. As per the petitioner, it has sufficient infrastructure and library and that has also been certified by the authorities. In such circumstances, in our opinion, it was obligatory on the part of the respondents to follow the provisions of Act of 1993 and Rules of 1997 in letter and spirit. Because there is contravention of the aforesaid provisions, hence, the impugned orders dt. dt. 2.2.2011 and 4.1.2012 (Annexures P/1 and P/2) are contrary to law.

17. Consequently, the petition of the petitioner is allowed and the impugned orders dt. dt. 2.2.2011 and 4.1.2012 (Annexures P/1 and P/2) are hereby quashed. It is hereby clarified that the respondents are at liberty to take action in accordance with the provisions of Act of 1993 and Rules of 1997. No order as to costs.

Thereafter, NCTE restored the recognition of the petitioner institution. An SLP was filed by the respondent No. 1 Board against the order passed by this court, which was registered as SLP (Civil) No (S) 23444-23445/2012, that was also dismissed by the Hon''ble Supreme Court.

4. Meanwhile, the petitioner institution admitted the students in D.Ed. course, I year for the academic session 2010-11 because at that time the institution had valid recognition. The respondent No. 1 Board did not conduct the examination of the students, who were admitted by the petitioner institution for the academic session 2010-11 of D.Ed. course II year and the students of D.Ed. course I year, who were admitted in the academic session 2012-13 on the ground that the petitioner had no recognition.

5. This court vide interim order dt. 4.12.2013 directed the respondent No. 1 Board to permit the students of the petitioner institution, who were admitted in D.Ed. course II year in the academic session 2010-11 and I year in the academic session 2012-13.

6. The recognition of the petitioner institution was withdrawn by the WRC vide order dt. 2.2.2011. Students of D.Ed. course II year were admitted by the petitioner institution in the academic session 2010-11, which had commenced from July 2010.

7. Section 17(3) of the National Council for Teacher Education Act, 1993 (hereinafter referred as NCTE Act) has clearly stipulates that the decision of the withdrawal should operate prospectively from the end of the academic session, which is as under:-

(3) Once the recognition of a recognised institution is withdrawn under subsection (1), such institution shall discontinue the course or training in teacher education, and the concerned University or the examining body shall cancel affiliation of the institution in accordance with the order passed under subsection (1), with effect from the end of the academic session next following the date of communication of the said order.

8. In this view of the matter, it is clear that the petitioner institution had validly admitted students of D.Ed. course II year in the academic session 2010-11.

9. In regard to the academic session 2012-13, this court quashed the withdrawal of recognition vide order dt. 5th Sept. 2012 and thereafter the petitioner institution had right to admit the students at that time, hence, it could not be said that the admission of the students was illegal.

10. Consequently, the petition is allowed. The respondent No. 1 Board is directed to declare the result of the students of the petitioner institution, who were admitted in D.Ed. course II year in the academic session 2010-11 and I year in the academic session 2012-13 and it be treated in accordance with law. Petition is disposed of accordingly.

No order as to costs.