

(2012) 10 JH CK 0003
In the Jharkhand High Court
Case No : Writ Petition (C) No. 5933 of 2011

Jharkhand Teachers Training College and Another	APPELLANT
Vs	
National Council for Teacher Education and Others	RESPONDENT

Date of Decision : 03-10-2012

Acts Referred:

National Council for Teacher Education Act, 1993 — Section 17(1), 17(4)

Citation : (2013) 1 JLJR 251

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : M. Sohail Anwar and Altaf Hussain, for the Appellant; P.D. Agrawal for the Respondent Nos. 1 to 3, Mrs. I. Sen Choudhury for the Respondent Nos. 4 and 5 and J.C. to G.A. for the State, for the Respondent

Judgement

Narendra Nath Tiwari, J.

I.A. No. 2727 of 2012

1. In this I.A. the petitioners-applicants have prayed for allowing the students of the college to appear in the final examination of B.Ed. Course for the session 2011-12 to be held by the Vinoba Bhave University, Hazaribagh. It has been stated that the University is not accepting the fees and forms and is not allowing the students to appear in the examination on the ground that by order dated 6th April, 2011, the National Council for Teacher Education (NCTE) has cancelled recognition granted to the college.

2. Mr. M. Sohail Anwar, learned Senior Counsel appearing on behalf of the applicants submitted that the said order issued by the NCTE has been challenged in the writ petition. However, even in the said order it has been specifically mentioned in paragraph-8 that the Institution shall discontinue the course or training in B.Ed. Course and the concerned University or Examining Body shall cancel affiliation of the Institution in accordance with the order passed u/s 17(1) with effect from the end of the academic session next following the date of

communication of this order.

3. Mr. P.D. Agrawal, learned counsel appearing on behalf of the NCTE has not disputed the said position.

4. Mrs. I. Sen Choudhary, learned counsel appearing on behalf of the Vinoba Bhave University submitted that the University had recommended for recognition, as the Institution was found in order and the University has not put any impediment for appearance of the students in the examination of B.Ed. Course Session 2011-12. However, since the recognition granted by the NCTE has been cancelled, the University felt difficulty in allowing the students of the institution to appear in the ensuing examination.

5. I have heard learned counsel for the parties and perused the impugned order.

6. Paragraph-8 of the order runs as follows:--

Affiliating Body/State Govt. shall not allot any student in B.Ed. Course in the said Institute. In accordance to the Section 17(4) of NCTE Act, 1993, the Institution shall discontinue the course or training in B.Ed. Course and the concerned University or Examining body shall cancel affiliation of the Institution in accordance with the order passed under sub-section 17(1) with effect from the end of the academic session next following the date of communication of this order. The qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government, any State Government or University, or in any school, college or other educational body aided by the Central Government or any State Government.

7. The impugned order cancelling the recognition of the college has, thus, itself clearly provides that the concerned University or Examining Body shall cancel affiliation of the Institution with effect from the end of the academic session next following the date of communication of this order. It is admitted position that at the time when the students had taken admission in the course, the college was recognized by the NCTE and affiliated to Vinoba Bhave University, Hazaribagh. The students, as such, are not at fault and the NCTE has also specifically mentioned that cancellation of the affiliation shall be effective from the end of academic session next following the date of communication of the order. The impugned order of NCTE has admittedly been communicated on 20th April, 2011.

8. In view of the said clear term of the order and the admitted position, I find no impediment in allowing the students of the college for appearing in the B.Ed. Examination to be held for Session 2011-12, if the students fulfill the eligibility criteria for appearing in the said examination.

9. Considering the above, this I.A. is allowed. The University is directed to allow the students of the college to appear in the ensuing examination for the session 2011-12 in which those students were admitted as at the time of admission the

Institute was recognised by the NCTE and affiliated by the Vinoba Bhave University. The University, for that purpose, shall accept the fees and forms after necessary verification and issue admit cards within time for allowing the said students to appear in the said examination. I.A. No. 2727 of 2012 is, accordingly, disposed of.