
(2015) 03 MP CK 0079
In the Madhya Pradesh High Court
Case No : R.P. No. 168/2013

Jiwaji University

APPELLANT

Vs

Krishna Pal Singh Thakur and Others

RESPONDENT

Date of Decision : 10-03-2015

Acts Referred:

Citation : (2015) 03 MP CK 0079

Hon'ble Judges : B.D. Rath, J.;Sheel Nagu, J.

Bench : Division Bench

Advocate : R.S. Sharma, for the Appellant; Neeraj Shrivastava, Advocates for the Respondent

Final Decision : Allowed

Judgement

Sheel Nagu, J.—This review petition inter-alia seeks review of order passed on 30.01.2013 in W.P. No. 9085/2012, whereby, while disposing of the petition in question, the co-ordinate Bench of this Court directed respondent No. 2 i.e. Jiwaji University, Gwalior to declare result of the respondents No. 1 and 2.

2. The present review petition has been filed by the Jiwaji University on the ground that while passing the order under review, the decision of the Apex Court delivered in the case of Adarsh Shiksha Mahavidyalaya and Others Vs. Subhash Rahangdale and Others, laying down the principles and guidelines governing the field of admission to courses for teachers training especially the fate of the students admitted in unrecognized Institution, was not considered. The Apex Court while rendering the findings in the above said matter has laid down as below:-

87. As a sequel to the above discussion, we hold that the impugned orders do not suffer from any legal infirmity warranting interference by this Court. We also reiterate that:

(i) The Regional Committees established under Section 20 of the 1993 Act are duty bound to ensure that no private institution offering or intending to offer a

course or training in teacher education is granted recognition unless it satisfies the conditions specified in Section 14(3)(a) of the 1993 Act and Regulations 7 and 8 of the Regulations. Likewise, no recognized institution intending to start any new course or training in teacher education shall be granted permission unless it satisfies the conditions specified in Section 15(3)(a) of the 1993 Act and the relevant Regulations.

(ii) The State Government / UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations, is under an obligation to make its recommendations within the time specified in Regulation 7 (3) of the Regulations.

(iii) While granting recognition, the Regional Committees are required to give due weightage to the recommendations made by the State Government/UT Administration and keep in view the observations made by this Court in *St. Johns Teachers Training Institute Vs. Regional Director, National Council for Teacher Education and Another*, and *National Council for Teacher Education v. Shri Shyam Shiksha Prashikshan Sansthan*, which have been extracted in the earlier part of this judgment.

(iv) The recognition granted by the Regional Committees under Section 14(3)(a) of the 1993 Act read with Regulations 7 and 8 of the Regulations and permission granted under Section 15(3)(a) read with the relevant Regulations shall operate prospectively, i.e., from the date of communication of the order of recognition or permission, as the case may be.

(v) The recognition can be refused by the Regional Committee under Section 14(3)(b), in the first instance, when an application for recognition is made by an institution. Likewise, permission can be refused under Section 15(3)(b).

(vi) If the recognition is refused under Section 14(3)(b) after affording reasonable opportunity to the applicant to make a written representation, the concerned institution is required to discontinue the course or training from the end of the academic session next following the date of receipt of the order.

(vii) Once the recognition is granted, the same can be withdrawn only under Section 17(1) if there is a contravention of the provisions of the Act or the Rules, or the Regulations, or orders made therein, or any condition subject to which recognition was granted under Section 14(3)(a) or permission was granted under Section 15(3)(a).

(viii) The withdrawal of recognition becomes effective from the end of the academic session next following the date of communication of the order of withdrawal.

(ix) Once the recognition is withdrawn under Section 17(1), the concerned institution is required to discontinue the course or training in teacher education and the examining body is obliged to cancel the affiliation. The effect of withdrawal of the recognition is that the qualification in teacher education

obtained pursuant to the course or training undertaken at such institution is not to be treated as valid qualification for the purpose of employment under the Central Government, any State Government or University or in any educational body aided by the Central or the State Government.

(x) In view of the mandate of Section 16, no examining body, as defined in Section 2(d) of the 1993 Act, shall grant affiliation unless the applicant has obtained recognition from the Regional Committee under Section 14 or permission for starting a new course or training under Section 15.

(xi) While granting affiliation, the examining body shall be free to demand rigorous compliance of the conditions contained in the statute like the University Act or the State Education Board Act under which it was established or the guidelines / norms which may have been laid down by the concerned examining body.

(xii) No institution shall admit any student to a teacher training course or programme unless it has obtained recognition under Section 14 or permission under Section 15, as the case may be.

(xiii) While making admissions, every recognised institution is duty bound to strictly adhere to para 3.1 to 3.3 of the Norms and Standards for Secondary/Pre-School Teacher Education Programme contained in Appendix-1 to the Regulations.

(xiv) If any institution admits any student in violation of the Norms and Standards laid down by the NCTE, then the Regional Committee shall initiate action for withdrawal of the recognition of such institution and pass appropriate order after complying with the rules of natural justice.

(xv) The students admitted by unrecognised institution and institutions which are not affiliated to any examining body are not entitled to appear in the examination conducted by the examining body or any other authorised agency.

(xvi) The students admitted by the recognised institutions otherwise than through the entrance/eligibility test conducted in accordance with the admission procedure contained in para 3.3 of Appendix-1 of the Regulations are also not entitled to appear in the examination conducted by the examining body or any other authorized agency.

(xvii) The NCTE shall issue direction for mandatory inspection of recognized institutions on periodical basis and all the Regional Committees are duty bound to take action in accordance with those directions.

(xviii) In future, the High Courts shall not entertain prayer for interim relief by unrecognized institutions and the institutions which have not been granted affiliation by the examining body and/or the students admitted by such institutions for permission to appear in the examination or for declaration of the result of examination. This would also apply to the recognised institutions if they admit students otherwise than in accordance with the procedure contained in

Appendix-1 of the Regulations.

88. So far as these appeals are concerned, we deem it proper to give the following directions:

(i) Within one month from today, the concerned examining body shall declare the result of the students who were admitted for the session 2007-2008 keeping in view the directions contained in the impugned orders. This would mean that result of the students admitted for the session 2007-2008 by the institutions whose cases were scrutinised by the NCTE pursuant to the directions given by the High Court and who were found to have been validly recognised after compliance with the mandatory conditions specified in Section 14(3)(a) of 1993 Act and Regulations 7 and 8 of the Regulations shall be declared.

(ii) The result of the students admitted by an unrecognized institution or by an institution which had not been granted affiliation by the examining body shall not be declared. The result of the students who were admitted without qualifying the entrance examination shall also not be declared. In other words, the students admitted by the private institutions on their own shall not be entitled to declaration of their result. If any private institution had not complied with the requirements of completing the prescribed training, then the result of students of such institution shall also not be declared.

(iii) The directions contained in the preceding clause shall not be used for dealing with the admissions made for the sessions 2005-2006, 2006-2007 or 2008-2009. The admissions made for those years shall be dealt with by the Western Regional Committee and the concerned examining body in accordance with the relevant statutory provisions.

(iv) Any institution aggrieved by the decision of the Western Regional Committee to reject the application for recognition or for permission to start a new course or training or withdrawal of recognition under Section 17 shall be free to avail remedy of appeal under Section 18 of the 1993 Act. If any such appeal is filed by the aggrieved party within 30 days from today, then the Appellate Authority shall entertain and decide the same on merits.

(v) If the Western Regional Committee has taken any action in furtherance of the directions given by the High Court, then the aggrieved person shall be entitled to challenge the same by availing remedy of appeal under Section 18 of the 1993 Act.

3. From the above, it is evident that the Apex Court has prohibited declaration of result of students admitted by unrecognized Institution which have not been granted affiliation by examining body.

4. From bare perusal of the impugned order, it is evident that the co-ordinate Bench of this Court while rendering the order under review was not informed of the said authoritatively decision of the Apex Court in the case of Adarsh (supra) which squarely applies to the issue involved herein.

5. The error apparent on the face of the record appears to have crept in, which deserves to be recalled by way of review.

6. In view of above, this review petition stands allowed and the order dated 30.01.2013 passed in W.P. No. 9085/2012 is recalled and W.P. No. 9085/2012 stands restored to it's original number. No order as to cost.