

(2014) 07 MP CK 0341
In the Madhya Pradesh High Court
Case No : Writ Petition No. 4338/2014

M.B. Khalsa Education Society	Vs	APPELLANT
National Coucil For Teachers Education		RESPONDENT

Date of Decision : 31-07-2014

Acts Referred:

Citation : (2014) 07 MP CK 0341

Hon'ble Judges : Shantanu Kemkar, J;Mool Chand Garg, J

Bench : Division Bench

Advocate : A.K. Sethi, Learned Senior Counsel and Rahul Sethi, Learned counsel, Advocate for the Appellant; R.S. Chhabra, Learned Counsel, Mini Ravindran, Learned Deputy Government Advocate and Vivek Sharan, Learned Counsel, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

1. With consent heard finally.
2. At the outset, it has been stated by the learned Senior Counsel for the petitioner that the petitioner may be given liberty to file fresh petition in regard to its prayer for admission of the students in M.Ed. Course for the academic Session 2014-15.
3. The prayer has not been opposed by the learned counsel for the respondents.
4. In the circumstances, liberty, as aforesaid, is granted to the petitioner.
5. This petition is considered only in respect to the petitioner's prayer in regard to admission in B.Ed. Course for the year 2014-15.
6. The petitioner claims that challenging withdrawal/reduction of the petitioner's college in regard to intake capacity from 200 students to 100 students for B.Ed. Course for the academic session 2013-14, Writ Petition No. 3908/2014 was filed by the petitioner in which interim order was passed on 16.05.2014 and the petitioner college was permitted to participate in the admission process for the

academic year 2013-14 for B.Ed. & M.Ed. Courses. The petitioner further submits that the issue of withdrawal/reduction of intake capacity on the ground that the institution does not have accreditation from NAAC, without affording any opportunity of hearing, is bad in law, is no more res integra, in view of the various decisions of this Court at Principal Seat and this bench. This position is not disputed by the learned counsel appearing for the respondents.

7. The petitioner submits that in spite of there being order in its favour in the on-line counselling process, the petitioner's intake capacity was not shown by the third respondent to be of 200 students and it was continued to show intake capacity of the petitioner college to only 100 students. In the present petition on 19.06.2014, interim order was granted in favour of the petitioner, which was further clarified on 08.07.2014, in following terms:-

"Sardar Charanjeet Singh Saini, President M.B. Khalsa Education Society is present in person.

He states that the intake capacity of the petitioner-Educational Institution has been arbitrarily reduced from 200 to 100 unilaterally without affording any opportunity of hearing on the ground that the petitioner-institution has no accreditation from National Assessment & Accreditation Council (NAAC).

The petitioner also submits that the controversy involved in the present writ petition has been settled by a Division Bench of this High Court vide order dated 05.04.2014 passed in WP No. 21709/2013. No one has appeared for the respondents due to some resolution of the Bar Association regarding abstaining from work by the Advocates.

Having regard to the averments made by the petitioner, we direct that the petitioner shall have right to take benefit of recognition which was available to it earlier.

List the case for further orders on 21st July, 2014."

8. Thereafter, on 21.07.2014, again this Court passed following order:-

"Shri A.K. Sethi, learned Senior Counsel with Shri Rishab Sethi, learned counsel for the petitioner.

Shri R.S. Chhabra, learned counsel for respondent No. 1.

Ms. Mini Ravindran, learned Deputy Government Advocate for respondent No. 3.

Shri Vivek Sharan, learned counsel for respondent No. 4.

The petitioner has complained that in spite of there being interim orders passed by this Court in this case on 19.06.2014 and 08.07.2014, the third respondent in its website has not shown the intake capacity of the petitioner-institution to be 200, which was the intake capacity of the petitioner-institution, in view of the order passed by this Court in Writ Petition No. 10922/2013 decided on 14.02.2014.

On going through the order dated 14.02.2014 passed in Writ Petition No. 10922/2013 and the interim orders passed by this Court in this writ petition on 19.06.2014 and 08.07.2014, we are of the view that respondent No. 3 was duty bound to have shown the intake capacity of the petitioner to the extent of 200 for B.Ed. Course.

In the circumstances, we direct the third respondent to correct the intake capacity of the petitioner-institution in its website by tomorrow.

List on 25.07.2014 to show the compliance."

9. The compliance report has been filed stating that the intake capacity of the petitioner has been shown as 200 students.

10. The grievance of the petitioner now is that in spite of there being clear orders passed by this Court from time to time, prior to the last date of counselling the third respondent did not show the petitioner's intake capacity to be 200 students prior to closing of the on-line counselling. As a result, the petitioner could not admit the students in spite of there being orders in its favour.

11. Learned Deputy Government Advocate submits that the admission process after extension of the date has come to an end on 19.07.2014; and as such, now at this stage, the petitioner college cannot be permitted to participate in the counselling for 200 students. She submits that initially the last date for counselling was extended only on the request made by various other colleges, who had shown their difficulties. She submits that in the cases of the difficulties being pointed out, as per the directions of the Supreme Court, the time limit fixed by the Supreme Court can be extended.

12. In the present case, admittedly, interim orders have been passed by this Court from time to time directing the third respondent to show the intake capacity of the petitioner to the extent of 200 for B.Ed. Course. The compliance of the order was done by the third respondent, but belatedly. In the circumstances, the fault is not of the petitioner, but is clearly of the third respondent.

13. As a result, we dispose of this petition by directing the third respondent to permit the petitioner college hold college level counselling within a week from the date of receipt of copy of this order. The petitioner college shall furnish the list of the admitted students to the third respondent immediately on completion of the admission process. The fourth respondent-University shall proceed further, in accordance with law.

14. With the aforesaid, the writ petition stands disposed of.

15. C.C. by tomorrow.