

(2019) 05 P&H CK 0262

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12875 Of 2019

Ramgharia Educational Council

APPELLANT

Vs

National Council for Teacher Education (NCTE) And Others

RESPONDENT

Date of Decision : 16-05-2019

Acts Referred:

National Council for Teacher Education Act, 1993 — Section 18

Citation : (2019) 05 P&H CK 0262

Hon'ble Judges : B.S. Walia, J

Bench : Single Bench

Advocate : Nitin Kant Setia, Shimon Bhatia

Final Decision : Disposed Off

Judgement

1. Prayer in the writ petition is for issuance of a writ in the nature of Certiorari for quashing order dated 14.06.2018, passed by respondent No.1 as also letter dated 28.08.2017.

2. Brief facts of the case leading to the filing of the present writ petition are that the petitioner-trust is an Educational Institute under the name and style of Ramgarhia College of Education set up with the object of imparting education in Teacher's Training also known as Elementary Teacher Training (ETT) 2 years diploma course. Application of the petitioner for recognition was considered by respondent No.1 under the NCTE (Recognition Norms and Procedure) Regulations, 2014 leading to issuance of letter of intent dated 17.09.2014 under Clause 7(13) and requiring the petitioner to initiate the process of appointment of qualified staff and submit all the requisite documents in compliance of letter of intent. The affiliating body State Council for Education Research and Training (SCERT) was directed to provide all assistance to the institute to ensure that the staff faculty was appointed as per National Council for Teacher Education (NCTE) Regulations within two months. In pursuance thereof, the petitioner claims to have moved a representation to SCERT for assigning a suitable date and for deputing the nominees for recruitment of staff. However, copy of letter addressed

by the petitioner to SCERT has not been placed on the record. It is the claim of the petitioner that SCERT did not respond to the letter of the petitioner but orally informed that they were not allowing opening of new D.El. Ed. Institutes, therefore no assistance could be provided for appointment of staff or faculty. Thereupon the petitioner filed CWP No.4630 of 2016, praying for the issuance of directions to the NCTE for grant of recognition to start ETT course. The aforementioned writ petition was disposed of vide order dated 23.08.2017 (Annexure P/5), in terms of order passed in CWP No.12034 of 2015. Petitioner was directed to submit proposed list of faculty within 10 days and SCERT was directed to take a decision in respect thereto and transmit the same to NCTE for consideration in accordance with law. Thereafter vide communication dated 09.02.2018 i.e. Annexure P-8, NCTE issued a show cause notice to the petitioner that it had not received any communication from the State Government and as per NCTE regulations, 2014, it was mandatory for the NRC to process the application further only after the list of faculty approved by the affiliating body was received by the NRC. The petitioner was directed by NCTE to submit representation/compliance. It was further mentioned that in case the representation was not received within 30 days of the issuance of the notice, it would be presumed that the institution did not intend to make a representation, whereupon the NCTE would take a decision as per rules and regulations.

3. Petitioner vide Annexure P-9 dated 01.03.2018 submitted a reply to the show cause notice and requested the NCTE to take appropriate action in accordance with law. NRC vide Annexure P/1- dated 14.06.2018, passed the impugned order refusing to grant recognition to the petitioner/institute. Therefore, the petitioner filed an appeal under Section 18 of the National Council for Teacher Education Act, 1993 before respondent No.1.

4. Grievance of the petitioner is that although the appeal was filed way back on 23.07.2018, no action has been taken on the same till date and at this stage, in the circumstances, the petitioner would be satisfied if the writ petition is disposed of by directing respondent no.1 to consider and decide the appeal of the petitioner dated 23.07.2018 Annexure P/11 in accordance with law in a time bound manner so as to enable the petitioner to participate in the online admission process which is going to commence in the 1st week of June, 2019. Learned counsel for the petitioner further contends that the appeal is pending before respondent No.1, therefore, respondent No.1 is the only contesting respondent.

5. Notice of motion to respondent No.1 only. Mr. Sandeep Jasuja, Advocate, who represents respondent No.1 and is present in Court, on the asking of the Court, accepts notice on behalf of respondent No.1. Learned counsel states that he has no objection to the limited prayer of the petitioner.

6. In the light of the position as noted above as also the statement of learned counsel for the parties, the writ petition is disposed of by directing respondent No.1 to consider and decide the appeal Annexure P/11 dated 23.07.2018 in

accordance with law as expeditiously as possible and in any case before the commencement of online admission process.

7. A copy of this order be given to the learned counsel for the parties under the signatures of the Bench Secretary, to ensure compliance.