

(2018) 07 RAJ CK 0154

In the Rajasthan High Court

Case No : Civil Writ Petition No.10755, 9433, 9436 of 2018

Sanskar T T College @APPELLANT@Hash University Of Rajasthan And Anr

Date of Decision : 10-07-2018

Acts Referred:

Citation : (2018) 07 RAJ CK 0154

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Y.C. Sharma

Judgement

Heard counsel for the parties.

Admittedly the petitioner colleges have submitted applications along with requisite fee for grant of affiliation for the academic year 2018-19 for their

B.Ed course for which they have been recognized under Regulation 7(16) of the NCTE Regulations 2014 and also have the NOC from the State

Government for the purpose. The said applications have been pending with the University of Rajasthan even while first counseling for admission into

B.Ed. courses ends today and the second counseling is to commence from 20-7-2018.

Mr. Mahendra Shandilya, counsel for the petitioners submitted that in the event affiliation provisional or otherwise is not granted for the academic year

2018-19 as has been to similarly placed institutions, the petitioners would suffer irreparable loss of a lost academic year and financial consequences

leading a question mark over their very existence. He submitted that affiliation has been provisionally given out by the University of Rajasthan to other

similarly placed colleges, despite deficiencies in staff/ faculty but the said deficiency is arbitrarily being advanced to deny the petitioner colleges even

physical inspection for assessing the infrastructure unlike other colleges, the

petitioner colleges are not being given provisional affiliation with time to rectify the deficiencies in qualification of staff/ Principal which have been recently upgraded by an amendment of 2017 to the NCTE Regulations

2014. Mr. Mahendra Shandilya further submitted that staff selection for the petitioner colleges' B.Ed. course was made by the Committee appointed

by University of Rajasthan which included one of its nominee for the academic year 2017-18 and provisional affiliation also granted. He submitted that

in the circumstances, the petitioner colleges ought to have been given an opportunity to comply with the requirements as per NCTE Regulations 2014

as amended in 2017, as was given to various other similarly placed colleges vide orders dated 10-4-2018 and 10-5-2018, where the colleges were

given some time to supply deficiencies allowed provisional affiliation for AY 2018-19 and the names of said colleges sent to the Coordinator for

admission of students to their B.Ed. courses in 2018-19.

Mr. A.K.Sharma, learned Senior Advocate appearing with Mr. Rachit Sharma on behalf of the University of Rajasthan submitted that a first

information report No.0416/2018 dated 3-7-2018 Police Station Gandhi Nagar, Jaipur has been registered against unknown persons with regard to a

forged/ fabricated communication of 26-6-2017, purportedly under the hand of Registrar, University of Rajasthan Jaipur to the Coordinator, Pre

B.A.B.Ed/ B.Sc. B.Ed. & PTET 2018 Maharishi Dyanand University, Ajmer. The petitioner colleges were the intended beneficiaries of the said letter

and hence their officials suspects in the said FIR. He submitted that staff selected by the Committee appointed by the Vice Chancellor including a

nominee of the University for AY 2018-19 was not approved for reason of their ineligibility as per NCTE Regulations 2014 as amended in 2017. In

fact the petitioner colleges have not even been resultantly inspected to be considered for grant of affiliation in AY 2018-19.

Heard. Considered.

It is not in dispute that petitioner colleges have been recognized by the NCTE under the Regulations 2014 as amended in 2017 for running B.Ed.

colleges inter alia for AY 2018-19. They also have a NOC from the State Government. It is also not in dispute that NCTE Regulations 2014 were

amended in 2017 with regard to

qualification of the Principal and staff of B.Ed. colleges. It is also on record that

Principal and staff of petitioner colleges were selected by a Committee constituted by the Vice Chancellor of University of Rajasthan for the academic year 2017-18 without any demur, and provisional affiliation granted to them for the said academic year on 11-3-2018. It is also not in dispute that various similarly placed colleges having been inspected for affiliation for AY 2018-19 for their B.Ed. courses have been granted provisional affiliation for AY 2018-19 by the University despite deficiencies in staff selection for reason of ineligibility flowing from NCTE Regulations 2014 amend in 2017 but with the rider to rectify the deficiencies on that count in the near future (orders dated 10-4-2018 and 10-5-2018 referred above). It is also an admitted fact that despite the petitioner colleges' application for affiliation in AY 2018-19 for their B.Ed. Course, inspection of their infrastructure was never carried out while others were inspected. The issue of FIR No.0416/2018 dated 3-7-2018 referred to above is a separate issue. The petitioner colleges are not named therein nor any of their officers. The matter is under investigation. If any one is guilty justice will take its course against him/ them. But that cannot be a ground to treat the petitioner colleges differently from others similarly placed.

In view of aforesaid, I am of the considered view that it would be appropriate in the interim to direct the University of Rajasthan to inspect the premises of the petitioner colleges, seeking affiliation to the B.Ed. course 2018-19, recognized as they are for the said academic year by the NCTE and have a Government of Rajasthan NOC. This be done within a period of seven days from today. Deficiencies if being pointed out reasonable opportunity be given to petitioner colleges like other to rectify them. Thereafter the case of the petitioner colleges be dealt in a non discriminatory manner for provisional affiliation for the academic year 2018-19 as it has been done for similarly placed who have benefitted from the University's orders dated 10-4-2018 and 10-5-2018.

List these cases on July 18, 2018.

A copy of the order be placed in each connected file.