
(2018) 12 RAJ CK 0254
In the Rajasthan High Court
Case No : Civil Writ No. 19157 Of 2018

Savreet Singh And Ors

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 20-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0254

Hon'ble Judges : Inderjeet Singh, J

Bench : Single Bench

Advocate : Sandeep Shah, M.S. Champawat, B.P. Bohra, D.D. Chitlangi

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner with the following prayers:-

"1. by an appropriate writ, order or direction, the respondents may kindly be directed to allow the petitioners to fill up the Examination Forms for main examination 2019 of their regular B.Ed. Course for the Academic Year 2018-19 and for BA-B.Ed./B.Sc-B.Ed. Intergrated Course for 2018-19.

2. Further, the respondents may kindly be directed to allow the petitioners to appear in the examination of their respective courses and may kindly be permitted to continue their B.Ed., B.A./B.Ed. Course of 2018-19.

3. Any other order or direction which the court may deem fit and proper be pass in favour of the petitioner."

Counsel for the petitioners submitted that the petitioners were given admission by the respondent No.3 in B.Ed. Course on 1.10.2018. However, the respondent No.4 is not allowing the petitioners to fill the examination form.

Counsel for the respondent submitted that the respondent No.3 has committed an illegality in giving admissions to the petitioners in B.Ed. Course on 1.10.2018 which is contrary to the guidelines fixed by the Division Bench of this Court in

Smt. Jyanki Devi Teacher Training College Vs. The State of Rajasthan & Ors.
(D.B. Civil Writ Petition No.6237/2014) decided on 2.9.2016

wherein the Division Bench has provided Schedule with regard to conducting the process of admission and course for B.Ed. Programme which reads as under:-

S.No.

Activity

Action to be taken by

Deadline (Up to/by)

1

Taking decision regarding policy for granting NOC (for new institutions/additional courses/ additional intake/shifting of premises/closure etc) for teacher education colleges/courses. This will be the basis of recommendations/ NOC of State Govt. as required in the subregulation 5 of regulation 7 of NCTE Regulations, 2014. . Communicating policy to NCTE/ affiliating universities and uploading policy decision on website of Higher Education Department for benefit of investors, . If a decision to impose ban on any course is to be taken then the ban will not apply on pending applications with NCTE/NRCNCTE. However, no new applications to be invited by NCTE/ NRC-NCTE. . NCTE/NRC-NCTE not to allow change in location/type of college in later years if the State recommendation is given for exclusive area or specific nature of colleges (e.g. If State Govt. has allowed opening of colleges in a tehsil deprived of teacher-education college it should not be allowed to shift its premises to locations where ban is imposed; if only women college has been recommended then it should not be allowed to change to co-ed college).

Department of Higher Education

31st Jan (X year) (for applications to be invited by NCTE from 1st March for next session as per regulation 5(5) of Regulations, 2014)

2

Invitations by NCTE/NRC-NCTE for inviting online applications for new colleges/ new courses/increase in seats as per the regulation 5(5) of NCTE Regulations, 2014. For the State of Rajasthan, applications to be invited only in compliance of policy of the State Govt. Applications to apply for NOC of affiliating body (State university) as per provisions of regulation 5(3) of Regulations, 2014 Issuance of NOC by affiliating universities, according to policy of the State Govt. subject to conditions of fulfillment of conditions of affiliation. Simultaneous processing of applications by NRC-NCTE as per regulation 7 of NCTE Regulations, 2014

NCTE/NRC-NCTE Affiliating universities

1st March to 31st May as per the regulation 5(5) of NCTE Regulations, 2014

Without late fee: 15th May or 15 days prior to last date of applying (whichever is later) With late fee: 7 days prior to last date of applying to NCTE 31st May (last date of filing applications)

3

Applicants to apply to State Govt. on a prescribed format with requisite fee, if any, other annexure including proof of submitting application to NRC-NCTE. Prescribed format of application shall be made available on website of Department of College Education/Higher Education portal and shall include fields to ascertain whether the applicant fulfills conditions mentioned in the State Government's policy.

Sponsoring bodies/Institution

Without late fee: 30th June or within one month of last date of receiving applications by NCTE. With late fee: 15th July (or within 45 days of last date of receiving applications by NCTE).

4

NRC-NCTE to communicate with State Govt. for its recommendations on new applications (as per Regulation 7(5 & 6))

NRC_NCTE

30th June

5

State Govt. to give its recommendations on the basis of its policy on applications sent by the NRC-NCTE (no inspection to be carried out by State Govt. for verification of infrastructure/qualification of teachers which is to be verified by VT of NCTE as per regulations 7 & 8 of Regulations, 2014

State Govt

30th September

6

Appointment of Nodal agency/ Coordinating agency (university) for Entrance examination by the State Government

State Govt.

15th Dec

7

Submission of applications by Institutions of University for renewal of affiliation (existing institutions).

Department of Higher Education

Without late fee: 31st December With late fee: 15th Jan (X+1 Year)

8

Granting recognition to new colleges by NCTE as per regulation 7 & 8 (on the basis of recommendation & policy of State Govt (regulation 7(5)) ; report of the visiting team constituted as per regulation 7(7) etc after satisfying itself that the institution fulfills all the conditions prescribed by the National Council under the Act, rules or regulations, including, the norms and standards laid down for the relevant teacher education programmes (regulation 7(10)).

Sponsoring bodies/Institution

03 March (X+1 Year)

9

Submission of applications by Institutions to University for new affiliation

NRC_NCTE

10 March (X+1 Year)

10

Submission of recognition letters received by institutions to State Government (new/fresh/restoration

Sponsoring bodies/Institution

10 March (X+1 Year)

11

Issuance of NOC/list of colleges (with seats) by State Government for affiliating universities and coordinating agency for admissions on the basis of policy of State Govt. (not to be based on field inspection but on the basis of State policy applied on application of the sponsoring body/institution).

Department of Higher Education

30 March (X+1 Year)

12

Prescribing schedule or academic calendar in respect of each programme at least three months in advance of the commencement of each academic session and to give due publicity by providing details of publication of notice inviting applications for admissions, last date of receipt of applications for admissions, date of selection test/interview, date of publication of 1st, 2nd, 3rd, list of candidates and last date of closure of admissions (as per regulation 11 of NCTE, 2014

Admission agency/Affiliating Universities

01 May (X+1 Year)

13

Decision on application for affiliation and issuance of affiliation letter to eligible institutions by the concerned university as per regulation 8(10) of 2014 (i) affiliating bodies to carry out inspection only for criteria/norms not already inspected by visiting team of NCTE or as per provisions of its Act/affiliating rules (ii) renewal of affiliation to be done on the basis NOC issued by State Govt. earlier, if not withdrawn by State Govt/NCTE; no renewal/extension of NOC to be issued by State)

Affiliating universities

10th May (X+1 Year)

14

Conveying list of affiliated colleges (with no. of seats for each course) to admission agency & NRC-NCTE

Affiliating universities

15th May (X+1 Year)

15

Entrance test for B.Ed. Programmes

Admission agencies

15th May (X+1 Year)

16

Declaration of results of entrance tests for B.Ed. Programmes

Admission agencies

25th May (X+1 Year)

17

Affiliating universities to declare results of eligibility examinations

Affiliating universities

Prior to beginning of counseling

18

Last date of Counselling

Admission agencies

30 July (X+1 Year)

19

Commencement of Academic Session for teacher education programmes

Admission agencies & affiliating universities

01 August (X+1 Year)

20

End of Academic session (to ensure 200 teaching days as per the NCTE Regulations, 2014; No. of Teaching days for various months for session 2016-17 are given in annexure-1)

Affiliating universities

07.05.2018 (X+2 Year)

21

Completion of annual examination

Affiliating universities

30th May (X+2 Year)

22

Declaration of result of annual examination

Affiliating universities

07th July (X+2 Year)

According to the Schedule prescribed by the Division Bench of this Court, the last date for granting the admission in B.Ed. Course was fixed as 30.07.2018. The Division Bench further observed as under:-

"We accordingly, direct the State of Rajasthan, NRC-NCTE, Jaipur & University of Rajasthan, Jaipur to strictly follow the Schedule/Calender of activities for the session of B.Ed. Programme and any deviation from it will not be permissible and if any, exigency arises in future, either party is at liberty to move an application to this Court seeking clarification/modification, if required."

Counsel for the respondent-University submits that the Division Bench of this Court further extended the last date of admission upto 14.08.2018 on the application being submitted by the University.

Heard counsel for the parties.

Admittedly, the petitioners were given admission by the respondent No.3 after the cut off date fixed by the Division Bench of this Court, therefore, in my considered view, this writ petition filed by the petitioner deserves to be dismissed in view of the judgment passed by the Division Bench of this Court in Smt. Jyanki

Devi Teacher Training College (Supra). However, the petitioners are at liberty to file appropriate proceedings against the respondent No.3 for compensation.

The writ petition is accordingly dismissed with the above observations.