

(2011) 10 GUJ CK 0040

In the Gujarat High Court

Case No : Special Civil Application No. 9485 of 2011

Shri Morvi Sarvajanik Kelavni Mandal Sanchalit Mskm B. Ed.	APPELLANT
Vs	
National Council For Teachers Education and Others	RESPONDENT

Date of Decision : 07-10-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 30, 32

National Council for Teacher Education Act, 1993 — Section 14(3), 17, 18, 7, 8(5)

Citation : (2011) 10 GUJ CK 0040

Hon'ble Judges : A.L. Dave, Acting C.J.; J.B. Pardiwala, J

Bench : Division Bench

Advocate : Pratik Y. Jasani, for the Appellant; A.J. Shastri, for Respondent 1, Hriday Buch, for Respondents 3 and Government Pleader for Respondents 4, for the Respondent

Final Decision : Dismissed

Judgement

J.B. Pardiwala, J.—This writ petition depicts extremely sorry State of affairs of a college named Shri Morvi Sarvajanik Kelavani Mandal, Sanchalit, MSKM B. Ed. College-Rajkot, Vidhyabhavan, Ahead Complex Cinema, Opp: Pandurang Upavan Kalawad Road, Rajkot, which is an un-recognized educational institution imparting teacher education i.e. B. Ed. Course. Over a period of time, we have come across so many petitions preferred by such colleges whose recognition has been cancelled by National Council for Teachers' Education (for short "NCTE") on grounds like non-appointment of Principal, inadequate teaching and non-teaching staff, lack of adequate infrastructure etc. We are sad to note that ultimately the students are the sufferers. We are reminded of an observation made by the Supreme Court almost two decades ago in the case of State of Maharashtra Vs. Vikas Sahebrao Roundale and others, in which the apex Court observed as under:

2. This Court judicially noticed mushroom growth of ill equipped and understaffed unrecognized educational institutions in Andhra Pradesh, Bihar, Tamilnadu and Maharashtra States and other states too are no exceptions. Obviously the

field of education is found to be fertile, perennial and profitable business venture with least capital outlay. This case is one such from the State of Maharashtra.

3. It would appear that individuals or societies without complying with the statutory requirements, establish educational or training institutions ill equipped to impart education and have the students admitted, in some instances despite warnings by the State Govt. and in some instances without knowledge of the concerned State Govt., but with connivance at lower levels.

We can take judicial notice of the mushroom growth of ill-equipped, understaffed and unrecognized educational institutions coming up even in the State of Gujarat.

2. Facts relevant for the purpose of deciding this petition can be summarized as under:

2.1 The Petitioner -Trust, who runs a B. Ed. college, namely, Shri Morvi Sarvajanik Kelavani Mandal, Sanchalit, MSKM B. Ed. College-Rajkot, Vidhyabhavan, Ahead Complex Cinema, Opp: Pandurang Upavan Kalawad Road, Rajkot has preferred this petition challenging the order dated 20th July 2011 passed by the 1st Respondent "National Council for Teachers" Education (NCTE), Western Region, Bhopal. By the said order, the recognition/permission granted in favour of the petitioner-Institution has been withdrawn in terms of Section 17 of the National Council for Teachers" Education Act, 1993 (for short, "the NCTE Act"), substantially on the following grounds:

- i. Land is not in the name of the trust.
- ii. Built up area is inadequate.
- iii. Institution is running in building being used by three different trusts.
- iv. Size of classroom and multipurpose hall is inadequate.

2.2 Record reveals that the recognition to run a B. Ed. College was granted in favour of the Petitioner-Institution vide order dated 29.05.2007 by the National Council for Teachers" Education u/s 14(3)(g) of the NCTE Act for conducting B. Ed. course with an intake of 100 students. On 27.07.2008, a show-cause notice came to be issued calling upon the Petitioner to show-cause as to why the recognition/permission should not be withdrawn in terms of Section 17 of the NCTE Act, as the following deficiencies came to the notice of the National Council for Teachers" Education.

- (a) Land is not in the name of the trust.
- (b) Built up area is inadequate.
- (c) Institution is running in building being used by three different trusts.
- (d) Size of classroom and multipurpose hall is inadequate.

2.3 On 29.11.2008, the National Council for Teachers' Education passed an order, withdrawing the recognition/permission on the following ground:

(I) Non compliance of show-cause notice within stipulated time.

2.4 The Petitioner challenged the order of withdrawal byway of filing Special Civil Application No. 4594 of 2009. It appears that the Division Bench of this Court earlier stayed the order of withdrawal dated 29.11.2008 and, thereafter, by way of common judgment and order dated 14.05.2010 quashed and set aside the order passed by the National Council for Teachers' Education with certain directions as mentioned in paragraph 29 of the said judgment, which reads as under:

I) All the Petitioners shall remove all the defects and confirm to all the norms of NCTE as applicable to the concerned institution as interpreted and explained herein above for which the Petitioners shall have time up to 31.12.2010.

ii) Institutions after curing all the defects not later than by 07.01.2011, shall intimate to the NCTE that defects have been cured and invite the inspection team to carry out inspection.

For the above purpose, the concerned Institution shall along with its communication to NCTE attach a draft of Rs. 10,000/- in favour of NCTE for one time cost of such inspection.

If any Institution fails to send such a communication within the time permitted, the recognition shall automatically stand withdrawn without requirement of passing any order. Though students already admitted shall not be affected by such withdrawal, the Institution will not be permitted to admit any students in the next academic year.

iii) Upon receipt of such a communication, NCTE shall depute a team of qualified persons to visit the Institution, verify the infrastructure and other facilities available as also inspect the documents with respect to such facilities.

iv) Upon inspection, if NCTE finds that all defects are cured, certificate to that effect shall be given to the concerned institution and its recognition shall be continued.

v) If upon inspection however, NCTE finds any of the defects still remaining, it will be open for NCTE to pass appropriate orders in accordance with law after issuing show cause notice to the concerned Institution/trust.

vi) In view of above directions, all the orders cancelling recognition of the Institutions are set-aside. It is clarified that quashing of orders passed by the NCTE is not on merits, but only to enable the Institutions to fulfill all the requirements within the extended time.

2.5 As per the directions issued by the Division Bench of this Court, the Institution was expected and obliged to take care of all the deficiencies pointed

out in the withdrawal order, on or before 31st December 2010. It appears that the Petitioner intimated the National Council for Teachers' Education on 20.12.2010 that all the shortcomings and the deficiencies have been taken care of and invited the visiting team of the National Council for Teachers' Education to inspect the premises of the petitioner-college, by depositing a sum of Rs. 10,000/?towards inspection fees.

2.6 The visiting team deputed by the National Council for Teachers' Education inspected the premises of the petitioner-college and found that all the deficiencies have been taken care of and opined that the Institution may be permitted to continue.

2.7 Record reveals that on 28.04.2011, the National Council for Teachers' Education once again issued a show cause notice, whereby it was mentioned that after considering the visiting team's report, the following deficiencies are found in the college of the Petitioner:

- a. Certified copy of the registered land documents are not submitted
- b. Certified copy of the approved building plan is not submitted
- c. Land use certificate is not issued by the competent authority.
- d. Total land area, used by three B. Ed. Colleges run at same campus is highly inadequate.
- e. Staff profile not approved by the affiliating university.
- f. It is evident from the video graph that the premise of all the three colleges is the same
- g. Same building plan has been submitted by all the three colleges.
- h. Land documents submitted by the three colleges show the same survey No. 82/p, Plot No. 27 and total area 2698.50 Gam Vajdi (Virda) total constructed area is also the same i.e. 3665 sqm/4382 Sq.Yards for all the three colleges.
- i. Ninth query pointed out in the show cause notice is" The staff and other people seen in one video graph are same in other two video graph also.
- j. Laboratories, Library, play ground and the equipment shown in one video graph are the same as other two video graph.
- k. The VTR states that the three societies have been merged into one. The Institution never sought permission from NCTE for merger.
- l. The land documents duly certified by the competent authority was not submitted along with the application that was required as per the Section 7(d) of the NCTE Norms and Standards 2002 or as per Section 8(5) of the NCTE Norms and Standards 2005.

2.8 It appears that the Petitioner-Institute sent a reply along with all the

documents which were demanded by the National Council for Teachers' Education in its show-cause notice dated 28.04.2011.

2.9 As the show-cause notice was issued upon the petitioner-Institute, the University did not allot students to the Petitioner and, therefore, the Petitioner had preferred Special Civil Application No. 6507 of 2011 with a prayer to allot students to the Petitioner-college. Since there were fifteen such petitions challenging the action of the University in not allotting the students, the Division Bench of this Court, by a common judgment and order dated 14.06.2011, directed the University to allot students to the Petitioner-college for the current academic year 2011?2012. It appears that for some reasons, the allotment process was ordered to be cancelled by the University as there were some lacuna on the part of University in allotment of students to the quota of reserved category. The University, thereafter, published a fresh advertisement for allotment of students.

2.10 In the meantime, an order dated 20.07.2011 came to be served upon the Petitioner-Institution, withdrawing the recognition/permission in terms of Section 17 of the NCTE Act on nine grounds which are as under:

- i. The institute does not have registered land document. It is occupying the land belonging to Shri Uma Education Trust.
- ii. The institution has submitted building plan of Shri Uma Education Trust which is not even approved by the Rajkot Urban Development Authority.
- iii. Land use certificate submitted by the institution which belong to the land of Shri Uma Education Trust.
- iv. The institute does not have its own land and building. It is running in the premises of Uma Education Trust.
- v. Staff profile has not been approved by the university.
- vi. Two other institutions belonging to the other trusts are running in the same premises.
- vii. The building plan submitted by the institution is that of Shri Uma Education Trust.
- viii. Merger of Shri Uma Education Trust with Shri Jalaram Education Trust and Shri Morvi Sarvajanik Education Kelavni Mandal was never permitted by the WRC.
- ix. The college/trust did not possess land as per clause 8(5) of the NCTE Regulations 2005.

2.11 At that stage, the Petitioner vehemently contended that the grounds on which the recognition of the petitioner-Institute came to be withdrawn were never a part of the show-cause notice dated 28.04.2011 and the order of withdrawal of recognition traversed beyond the show-cause notice. In this background, this petition has been preferred challenging the order and the action

of the National Council for Teachers' Education in withdrawing the recognition/permission to run the Institute. The notices were issued upon Respondent Nos. 2 and 3.

2.12 It is the case on behalf of the Petitioner's Institute that the University allotted students to the Petitioner - college and as of now sixty one students are studying in the college of the Petitioner.

2.13 It appears that during the pendency of this petition, the National Council for Teachers' Education issued a fresh modified withdrawal order against the Petitioner, whereby the National Council for Teachers' Education relying on the visiting team's report, withdrew the recognition of the petitioner college on the following grounds:

i) The Institution neither had land on the date of submission of application as per Clause 7(D) of the NCTE Regulations 2002, nor does it have the land even today.

ii) The Institution is running in a flat of Multi Storied Residential Building.

iii) Registered lease deed of the flat was executed on 18.03.2011, that is beyond the time limit of 31.12.2010 as prescribed by the Hon'ble High Court.

iv) One of the lecturers was not qualified as per the date of appointment.

2.14 The Division Bench of this Court, vide order dated 30th August 2011, observed as under:

We are not happy in the manner the Western Regional Committee passed modified order dated 24.8.2011 while the matter was pending before this Court. It is contrary to the inspection report circulated by the same very Western Regional Committee on 19.8.2011 under the signature of the Regional Director, Western Regional Committee, National Council for Teacher Education, Bhopal.

In the circumstances, we direct Dr H.S. Tripathi, Regional Director, Western Regional Committee, National Council for Teacher Education, Bhopal to appear in person along with the original record and explain the matter on the next date. If it is found that he has wrongly issued the earlier report by letter dated 19.8.2011, he will explain why this matter may not be referred to the higher authority of National Council for Teacher Education for taking appropriate action against the erring officer.

In the meantime, the Regional Director will send a new committee to inspect both the premises with respect to defect as recently pointed out by the National Council for Teacher Education, who after inspection, will submit a fresh report.

Post the matter on 7th September 2011 on the top of the list.

Let a copy of this order be handed over to Mr. AJ Shastri, who will inform the officer of his appearance.

2.16 In light of the order passed by the Division Bench of this Court dated 30th

August 2011, a new committee was constituted by the National Council for Teachers' Education who inspected the premises of the Petitioner-Institute and filed their inspection reports. We called for the inspection reports prepared by the new committee and we ordered that the original records which have been dropped before the Court be kept ready for perusal of the Court. The original report submitted in both the cases was kept in a sealed cover. We perused the report which was kept in a sealed cover, and the observations of the committee members are as under:

The team had done the of infrastructure, instructional facilities etc. The C.D. is enclosed. The video graphy had been in a continuous manner. The four corners of land and four corners of buildings are prominently picturised. The photography of land, building, instructional facilities, staff is also done. (C.D. and album enclosed).

The Hon''ble High Court has directed to do the inspection with regards to the defects shown in the withdrawal order.

The inspection is done accordingly following the orders of the Hon''ble High Court.

The observations of the visiting team regarding the defects/ deficiencies are noted below:

i) It is true that the institution does not have the registered land document and is occupying the land belonging to Shri Uma Education Trust.

ii) It is true that the institution has submitted the building plan of Shri Uma Education Trust. This building plan was approved by the Sarpanch, Vajdi(Virda). The approval of Rajkot Urban Development Authority is still not obtained by the Uma Education Trust.

iii) It is true that the land use certificate submitted by the Institution is about the land of Uma Education Trust.

iv) It is true that the Institution does not have its own land and building. The institution is running on the premises of the Uma Education Trust.

v) The teaching staff profile is approved by In-charge Vibhagiya Officer, Saurashtra University on 18.02.2009 on 11.05.2011 and 13.05.2011. Four lecturers have no M. Ed. qualifications. One common observed that all lists were approved by in-charge, Vibhagiya Officer of the University.

vi) Uma B. Ed. college and Jalaram B. Ed. College are being run on the same premises.

vii) It is true that the institution has submitted the building plan of Shri Uma Education Trust. This building plan was approved by the Sarpanch, Vajdi(Virda). The approval of Rajkot Urban Development Authority is still not obtained by the Uma Education Trust.

viii) Morvi Sarvajanic Kelavani Mandal and Jalaram Education Trust are

unilaterally merged with Uma Education Trust without due authorization of the competent authority and also without the approval of the WRC. The matter is still under correspondence.

ix) The institution / Morvi Sarvajani Kelavani Mandal did not possess adequate land or govt. land acquired on long terms lease basis or on ownership.

S.no.

Name of Member

Signature of member

Date

1

Prof. V.R. Savarkar

sd/-

6.9.2011

2

Dr.B.B.Singh

sd/-

6.9.2011

3

4

Representative of Management.

3. We have heard learned senior counsel Mr. Yatin N. Oza appearing with learned advocate Mr. Pratik Jasani for the petitioner, learned advocate Mr. A.J. Shastri appearing for respondent No. 1, learned advocate Mr. Hriday Buch for respondent No. 3 and learned AGP Mrs. Krina Calla appearing for Respondent No. 4-State.

4. Learned Counsel for the Petitioner would submit that the National Council for Teachers' Education has, up till now on three occasions, inspected the college of the Petitioner. He would submit that on all the three occasions, the inspecting team did not find any deficiency. He would submit that an order cannot be traversed beyond the show-cause notice. He would further submit that though it has been argued on behalf of the National Council for Teachers' Education that the report dated 25.03.2011 is a false report, nowhere in the affidavit dated 27.08.2011 it has been stated that the report of the visiting team is false or it has not been believed to be a genuine one. He would further submit that none of the grounds mentioned in any of the order are such which would come in the way of the petitioner to impart education to its students. That none of the defects as pointed

out by the National Council for Teachers' Education are of such a nature that without taking care of the defects, college cannot function. He would further contend that though the order made by the National Council for Teachers' Education is completely against the report of its visiting team, explanations subsequently given by the officer passing the order cannot be accepted by way of an affidavit. He would further submit that though there is an alternative remedy available for challenging the order passed by the National Council for Teachers' Education by preferring an appeal u/s 18 of the NCTE Act, the remedy cannot be said to be an efficacious remedy as the Appellate Authority constituted under the Act does not have any power to stay the order passed by the National Council for Teachers' Education and it cannot direct the University to allot the students. He would further submit that the Petitioner is owning land on a long term lease basis for a period of thirty years. He would further submit that the copy of the approved building plan has been annexed suggestive of the fact that the petitioner is having four class rooms, one multipurpose hall, one library, one psychology lab, one science lab, one computer lab, one language, education and technology lab, one Principal's room, one staff room, one store room and one office room. He would submit that since the grounds which are relied upon by the National Council for Teachers' Education in canceling the recognition/permission of the petitioner-Institute does not fall within the ambit of the 2005 Norms and Regulations of the NCTE, with which the petitioner-Institute is governed, the impugned order deserves to be quashed and set aside in the interest of justice and equity.

5. He would also submit that the order of withdrawal dated 20.07.2011 would come into effect from the next academic sessions following the date of withdrawal order and, therefore, the order will actually take effect in 2012-13. As on today, the Petitioner-Institute can be said to be a cognized Institute and they may be permitted to impart education to the students.

6. Per contra, learned advocate Mr. Shastri appearing for the National Council for Teachers' Education submitted that the earlier inspection which was carried out by the visiting team was not properly carried out and in spite of number of deficiencies, the inspecting team prepared a report favorable to the Petitioner-Institute. He would submit that the higher authorities of the National Council for Teachers' Education suspected some mischief and they are also contemplating some actions against the members of the visiting team who prepared a report contrary to the position which was in existence. He would submit that as per the order passed by the Division Bench of this Court, a new committee was constituted to inspect the premises with respect to defect, and the report has been submitted in a sealed cover before this Court. He would submit that there are large number of deficiencies and, therefore, it would not be in the interest of the students to permit or allow such an institute to impart education for conducting B. Ed. course. Learned advocate appearing for the National Council for Teachers' Education placed strong reliance on the judgment rendered by the Supreme Court in the case of Chairman, Bhartiya Education Society and Another

Vs. State of Himachal Pradesh and Others, more particularly the principles initiated in paragraph Nos. 9,11,13,15,18,19,22 and 24 of the said judgment. The learned advocate also invited attention of this Court to the judgment rendered by the Hon''ble Apex Court in the case of State of Maharashtra Vs. Vikas Sahebrao Roundale and others, and stated that while taking judicial notice of mushroom growth of ill-equipped and under-staffed unrecognized educational institutions in Andhra Pradesh, Bihar, Tamil Nadu and Maharashtra States and other states too, the Apex Court has observed that the field of education is found to be fertile, perennial and profitable business venture with least capital out-lay and without complying with the statutory requirements, establish educational or training institutions ill equipped to impart education and have the students admitted. In the same case in paragraph 6, while referring to the case of N.M. Nageshwaramma v. State of Andhra Pradesh and Anr. reported in 1986 (Supp) SCC 166, has observed that if the Government is directed to permit the students admitted in those institutions to appear in the examinations, the Hon''ble Court would practically be encouraging and condoning the establishment of unauthorized institutions and has observed that it is not appropriate that the jurisdiction of the Hon''ble Court under Article 32 or Article 226 of the Constitution of India should be frittered away for such a purpose. So the request to permit the students who had training in unrecognized schools was deprecated by the Hon''ble Supreme Court of India. In the said case the Hon''ble Supreme Court of India made the following observations:

6. In N.M. Nageshwaramma v. State of A.P. this Court held that the private institutions unauthorizedly established were invariably ill housed, ill staffed and ill equipped. If the Government is directed to permit unauthorized institutions. it is not appropriate that the jurisdiction of the court either under Article 32 or Article 226 of the Constitution should be frittered away for such a purpose. So the request to permit the students who had training in unrecognized schools was deprecated by this Court.

7. In A.P. Christians Medical Educational Society, v. Govt. of A.P. when fervent request, with all persuasion by the senior counsel, Shri K.K. Venugopal, to permit the students admitted in unrecognized and unauthorized institution to pursue balance course was made, this Court noted thus: (SCC p. 678, para 10)"we do not think that we can possibly accede to the request made on behalf of the students. Any direction of the nature sought for... would be in clear transgression of the provisions of the University Act and the Regulations of the University. We cannot by our fiat direct the University to disobey the statute to which it owes its existence and the Regulations made by the University itself. We cannot imagine anything more destructive of the rule of law than a direction by the court to disobey the laws.

8. In all Bihar Christian Schools Association v. State of Bihar this Court, when the ill-equipped and mismanaged schools were taken over by an Act whose validity was challenged on the anvil of Article 30 of the Constitution, held that even the

minority institutions are subject to statutory Regulations and establishment and maintenance of such an educational institution should be in conformity with the statute and the State is entitled to regulate the establishment of the educational institutions and the admission of the students in those educational institutions. It was held that the educational institutions of the minorities have no right to maladministration. Any rule or direction issued by the Government to prevent maladministration would be valid.

9. In *State of T.N. v. St. Joseph Teachers Training Institute* the High Court of Madras while dismissing the writ petitions filed by unauthorized educational institutions, gave direction to admit the students for the examination. This Court held that the direction of admitting students of unauthorized educational institutions and thus seeking direction for permitting the students to appear at the examination has been looked with disfavor by this Court. It was held that since the students of unrecognized institutions were legally not entitled to appear at the examination conducted by the Educational Department of the Government, the High Court acted in violation of law in granting permission to such students for appearing at the public examination. Accordingly, the appeal was allowed and the direction issued was set aside.

10. In *Students of Dattatraya Adhyapak Vidyalya v. State of Maharashtra* this Court held thus:

we are coming across case of this type very often where allegations are made that innocent students are admitted into unrecognized schools and are made to suffer. Some courts out of compassion occasionally interfere to relieve the hardships. We find that the result of this situation is total indiscipline in the field of Regulation.

11. In *Andhra Kesari Educational Society v. Director of School Education* relied upon by the counsel for the respondents, no doubt this Court directed the Government to consider whether the students in the appellant's college have undergone the necessary B. Ed. course and has permitted them to appear in the ensuing examination and publish their results. In that case, there was a long drawn history of the recognition of the institute and that the direction was issued by this Court in the special circumstances therein. Therefore, it cannot be taken as a precedent, in particular, in the light of the law laid down by this Court as stated supra.

12. The ill-equipped and ill-housed institutions and the students admitted into those institutions, to appear in the examination, we will practically be encouraging and condoning the establishment of sub-standard staff therein are counter-productive and detrimental to inculcating spirit of enquiry and excellence in the students. The disregard of statutory compliance would amount to letting loose of innocent and unwary children. The proceedings of the recent seminar held in Delhi, as published by the Times of India Dated August 4, 1992, would demonstrate the admission by the teachers that they are not properly trained to

cope up with the growing needs of the society and are unsuited to the duties they have to shoulder in imparting teaching to the children. The teacher plays pivotal role in molding the career, character and moral fibers and aptitude for educational excellence in impressive young children. Formal education needs proper equipping of the teachers to meet the challenges of the day to impart lessons with latest techniques to the students on secular, scientific and rational outlook. A well-equipped teacher could bring the needed skills and intellectual capabilities to the students in their pursuits. The teacher is adorned as Gurudevobhava, next after parents, as he is a principal instrument to awakening the child to the cultural ethos, intellectual excellence and discipline. The teachers, therefore, must keep abreast of ever-changing techniques, the needs of the society and to cope up with the psychological approach to the aptitudes of the children to perform that pivotal role. In short teachers need to be endowed and energised with needed potential to serve the needs of the society. The qualitative training in the training colleges or schools would inspire and motivate them into action to the benefit of the students. For equipping such trainee students in a school or a college, all facilities and equipments are absolutely necessary and institutions bereft thereof have no place to exist nor entitled to recognition. In that behalf compliance of the statutory requirements is insisted upon, slackening the standard and judicial fiat to control the mode of education and examining system are detrimental to the efficient management of the education. The directions to the Appellants to disobey the law is subversive of the rule of law, a breeding ground for corruption and feeding source for indiscipline. The High Court, therefore, committed manifest error in law, in exercising its prerogative power conferred under Article 226 of the Constitution, directing the Appellants to permit the students to appear for the examination etc.

7. Learned advocate appearing for the University also placed reliance on the judgments of the Hon'ble Apex Court mentioned in the affidavit of the University in the case of National Board of Examinations Vs. G. Anand Ramamurthy and Others, and in the case of Bihar Public Service Commission and Others Vs. Kamini and Others, in the case of The University of Mysore and Another Vs. C.D. Govinda Rao and Another, and in the case of All India Council for Technical Education v. SurinderKumar Dhawan and Ors. reported in AIR 2009 SCW 3124, wherein the Hon'ble Supreme Court in paragraph 13 has made observations in respect of rule of statutory expert bodies on education and role of Courts.

8. Having heard Learned Counsel for the respective parties and having given our anxious thoughts and considerations to the rival contentions, we are of the view that the petitioner is not entitled to any relief as prayed for, keeping in mind the interest of the students. Firstly, we have noticed that there are many disputed questions of fact. Secondly, we cannot ignore the report of the second inspecting team, which visited the premises on 6th September 2011, where the members of the team have reported number of deficiencies, which we have noticed and the same is incorporated in the earlier part of the judgment. We cannot permit the students to continue in such an institution, which has no basic infrastructure and

does not fulfill the 2005 NCTE Regulations and Norms. We have also been informed that the students have been transferred to other recognized colleges, so that their career is not put to stake. In the above view of the matter, we are left with no other option but to reject the petition. The petition is rejected with no order as to costs. Notice is discharged.