
(2016) 09 RAJ CK 0113

In the Rajasthan High Court

Case No : Civil Writ Petition (Cw) No. 6237 of 2014

Smt. Jyanki Devi Teacher Training College

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 02-09-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 WLC 435

Hon'ble Judges : Mr. Ajay Rastogi and Mr. Jainendra Kumar Ranka, JJ.

Bench : Division Bench

Advocate : Mr. R.A. Katta, Advocate, for the University of Rajasthan; Mr. M.S. Raghav, Advocate, for the Petitioner; Mr. Inderjeet Singh, Additional Advocate General, for the State; Mr. Sameer Sharma on behalf of Mrs. Sumati Bishnoi, Advocates, for the Respondents

Final Decision : Disposed off

Judgement

The controversy in the present matter is that there was a withdrawal of recognition by the National Council for Teacher Education (NCTE) vide its order dated 05.11.2012 and there was an ongoing litigation at the instance of the Institution impleading the State of Rajasthan, NRC-NCTE and University of Rajasthan as party respondents and under interim orders of the court, 26 students were inducted by the College in the Academic Session 2013-14 in the month of March, 2014, although the Academic Session 2013-14 commenced in the month of August, 2013 and within four months of the study, despite the minimum requirement that one has to study for minimum 200 days, as per the norms laid down by the NRCNCTE, which evidently could not be possible but under the interim order of the court dated 07.07.2014, the students of the Institution of B.Ed. Course for the Academic Session 2013-14 appeared in the written examination.

2. In the writ petition filed at the instance of the Institution and so also by students, as they were admitted to appear in the written examination under

orders of the court but their result was withheld and counsel placed reliance on the judgment of another coordinate Single Bench of this Court in *Bright Future Teacher Training & Ors. v. State of Raj. & Ors.* reported in 2009(2) WLC (Raj.) 365 to declare their result.

3. It appears that the Id.Single Judge of this court, after taking note of the facts & proposition was not conceivable to accept the contention advanced and referred the matter to be heard by the Division Bench of this Court vide its order dated 20.04.2015. The office in compliance thereof, placed the matter before the Division Bench and when the matter was examined by us, we find that it is an on-going litigation as there is no prescribed calendar available regarding admission to B.Ed. Course either by the Government or by any other agency, which has to be followed for holding examination, declaration of result & admission to B.Ed. Course & we were of the view that it is need of the hour that a joint Committee be constituted of all the agencies to examine and after the matter being heard and taking note of the submissions made, this court vide order dated 05.02.2016 constituted a Committee of the Principal Secretary, Department of Higher Education, Regional Director of NRC-NCTE & Registrar, University of Rajasthan and requested them to deliberate and come out with a concrete proposal and prescribe a calendar which is to be followed for various activities for session of B.Ed. Programme in Rajasthan.

4. Pursuant thereto, the Committee held its meeting and draft Schedule was placed for our perusal and that was taken note of by this court in its order dated 14.07.2016. However, in our order dated 03.08.2016, we requested the Committee to take into consideration the Schedule which has been laid down by the Apex Court in the judgment reported in (2013) 2 SCC 617 and for the ensuing academic sessions what should be the prescribed calendar which is to be followed may be placed for our perusal.

We would like to record the note of our appreciation that the Committee, constituted under orders of this court, took great pains and after their detailed deliberation earlier placed before us the provisional annual calendar of activities for session of B.Ed. Programme and taking note of further proceedings, a final annual calendar of activities for session of B.Ed. Programme, after their due deliberations have been prepared and signed by all the three Officers of the respective agencies i.e. Additional Chief Secretary, High Education, Government of Rajasthan, Regional Director, NRCNCTE, Jaipur and Registrar, University of Rajasthan, Jaipur and we can further take note of the fact that a calendar has been jointly suggested by the respective agencies to be in conformity with the calendar proposed by the Apex Court in the judgment referred to supra, copy of which has been placed on record for perusal, duly signed by all the three respective agencies.

5. After the final consensus being arrived at between the State Government, NRC-NCTE, Jaipur & University of Rajasthan, Jaipur, all the three agencies being involved in examining the applications for ensuing academic session of B.Ed.

Programme & we consider it appropriate to refer the schedule/calendar of activities for session of B.Ed. Programme, which has been recommended by the Committee, constituted under orders of this court, which read ad infra:-

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 sub-regulation 5 of regulation 7 of NCTE Regulations, 2014.

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)

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/NRC-NCTE. 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)

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.

NCTE/NRCNCTE

1st March to 31st May 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

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

Issuance of NOC by affiliating universities, according to policy of the State Govt. subject to conditions of fulfilment of conditions of affiliation.

Affiliating Universities

31st May (last date of filing applications)

Simultaneous processing of applications by NRC-NCTE as per regulation 7 of NCTE Regulations, 2014

NRC-NCTE

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 fulfils 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.

Department of Higher Education

15th Dec

7

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

Sponsoring bodies/ Institution

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 fulfils 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)).

NRC-NCTE

03 March (X+1 Year)

9

Submission of applications by Institutions to University for new affiliation

Sponsoring bodies/ Institution

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 counselling

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)

6. Along with annual calendar of activities for session of B.Ed. Programme, placed for our perusal, teaching days in Academic Session 2016-17 has been enclosed as Annexure-1 and it would be appropriate to quote the Teaching days in Academic Session 2016- 17, which reads ad infra:-

"Teaching days in Session 2016-17 (Annexure-1)

S.No.

Month

Days in month

Sundays and other holidays

Teaching days

Cumulative teaching days from 01.08.2016

1

July 2016

31

5+1

31

25

2

August

31

4+3

24

24

3

September

30

4+1

25

49

4

October

31

5+10 (inc. Dashera Breaks)

16

65

5

November

30

4+2

24

89

6

December

31

4+7 (inc. winter break)

20

109

7

January 2017

31

5+2

24

133

8

February 2017

28

4+1

23

156

9

March 2017

31

4+3

24

180

10

April 2017

30

5+1

24

204

11

May 2017

31

4+0

27

231

12

June

30

4+1

25

256

Total

365

84

281

-

(Bold letters: Holidays other than Sunday tentative assigned for year 2017. In next session approximately same no. of days will be available)

7. We consider it appropriate to direct all the three agencies i.e. State of Rajasthan, NRC-NCTE & University of Rajasthan to follow the calendar of activities of B.Ed. Programme strictly without any deviation and as regards the teaching days, as proposed by the Committee, is concerned, we leave it open, since there might be change in the teaching days looking to the requirement of the particular Academic Session but it is expected that the teaching days, as being proposed by the Committee, may be adhered to as possible.

8. We accordingly, direct the State of Rajasthan, NRC-NCTE, Jaipur & University

of Rajasthan, Jaipur to strictly follow the Schedule/Calendar 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.

9. Copy of this order be sent to all the three agencies for necessary compliance and to place the schedule & teaching days, as indicated, on their respective websites for necessary information to all.

10. Office to proceed.