

(2002) 08 SC CK 0106
In the Supreme Court Of India
Case No : Civil Appeal 4931 of 2000

Sona Ram

APPELLANT

Vs

National Council for Teachers Education and Others

RESPONDENT

Date of Decision : 28-08-2002

Acts Referred:

Citation : (2002) 8 JT 515 : (2003) 1 UPLBEC 294

Hon'ble Judges : S. N. Variava, J;G. B. Pattanaik, J;Doraiswamy Raju, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. The appellant in this appeal was a student in B.Ed. course for the academic session 1996-1997 in the institution run by Chauhan Education Society in Bhopal. The aforesaid institution had got affiliation from the university permitting the institute to have 120 seats for the B.Ed. course. The National Council for Teachers Education which is the premier organisation dealing with the B.Ed. education in the country issued a letter to the institution reducing the strength from 120 to 40. Notwithstanding such reduction of strength the institute, however, admitted 140 students, one of them being the present appellant. The institution assailed the order issued by N.C.T.E. by filing a writ petition in the High Court which was registered as writ petition No. 5127 of 1996. The learned single judge of the High Court quashed the order/notice issued by the N.C.T.E. and directed that a fresh inspection of the college of the society be held and the college should be allowed to have equal number of seats in B.Ed. course as it deserves. The parties were also directed to complete their examination of the last paper which was withheld and publish the results. In accordance with the aforesaid direction of the learned single judge the appellant appeared in the 6th paper and his results were declared, he having been declared to be successful.

2. Against the judgment of the learned single judge the N.C.T.E. carried the matter in appeal to the division bench which was registered as L.P.A. No. 353/98. By the judgment dated 16.3.99 the division bench set aside the judgment

and order of the learned single judge and directed the council to take an appropriate decision in regard to the fixation of strength and communicate such decision to the society. Though the students were the direct beneficiaries of judgment and direction of the learned single judge but the division bench was of the opinion that they are not necessary parties and need not be heard in the matter. Against the judgment of the division bench the present appeal has been preferred. This Court while issuing notice had further directed that the degree granted to the petitioner (the present appellant) shall not be cancelled, as it appears from the order dated 9.8.99. Subsequent to the said order leave has been granted and the matter has come up in appeal.

3. Mr. V.A. Mohta, learned senior counsel appearing for the appellant seriously contented that the division bench committed an error in denying the student a right of hearing particularly when these students were the beneficiaries of the judgment and direction of the learned single judge and in fact had completed the course and were eligible to take the B.Ed. examination. Mr. Mohta also further contended that even subsequent to the decision of the division bench there has been reinspection and the strength has been enhanced to 100. The learned counsel appearing for the university as well as for the N.C.T.E. however, submitted that while deciding the question of number of seats and number of students that a particular institute can admit in a relevant year, the council examines all the infrastructure together with the facilities for imparting the education in question and the council determines the number of seats so as to improve the efficiency or the standard of education as well as the efficiency of the students who would be recruited as teachers. According to the learned counsel a teacher having an important role in building of nation, it is the utmost duty of the council to see that such teacher has got the necessary education from an institution which is fully equipped with the infrastructure including the teachers of the institution and, that being the position, the division bench did not commit any error in interfering with the judgment of the learned single judge.

4. We find sufficient substance in the argument advanced by the counsel appearing for the N.C.T.E and the university. We also deprecate the practise of the Chauhan Education Society in admitting students beyond the sanctioned strength. However, having regard to the peculiar facts and circumstances of the present case and particularly when the division bench denied an opportunity of hearing to the appellant in course of the appeal, we think it appropriate to direct that the degree granted to the appellant need not be cancelled pursuant to the order of the division bench of the High Court. We, however, make it clear that this benefit will not be availed of by all others who have not approached the Court and whose case is not before us.

5. This appeal is disposed of accordingly.