

(2007) 10 MP CK 0024
In the Madhya Pradesh High Court

Vedica College of Education

APPELLANT

Vs

Barkatullah University
 Arshee Khan and Others Vs
Barkatullah University and Others

RESPONDENT

Date of Decision : 25-10-2007

Acts Referred:

National Council for Teacher Education Act, 1993 — Section 14

Citation : AIR 2008 MP 219 : (2007) ILR (MP) 1757 : (2008) 1 MPHT 288

Hon'ble Judges : A.K. Patnaik, C.J.;Ajit Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

A.K. Patnaik, C.J.—In these two writ petitions, the petitioners have prayed for a writ/direction to the Barkatullah University to declare the results of the students admitted to the B. Ed. course during the academic year 2006-07 in the Vedica College of Education, Bhopal.

2. The facts briefly are that the Vedica College of Education, Bhopal (for short "the College"), was established by the Vedic Shiksha Samiti, Bhopal, which is a Society registered under the M.P. Societies Registrikaran Adhiniyam, 1973, to impart education in teaching. The Vedic Shiksha Samiti applied for grant of recognition to the National Council for Teachers Education (for short "the NCTE") for the academic year 2005-2006 and by a letter dated 9-8-2005, the NCTE communicated the recognition granted to the College by the Western Regional Committee of NCTE for B. Ed. course for the academic year 2005-2006, subject to the condition that the college will submit the list of staff/ faculty duly approved by the Registrar of the affiliating University/Competent Authority before commencement of the academic session. In the letter, it was stated that the formal order of recognition will be issued only after the receipt of the list of staff/ faculty in the Western Regional Committee, NCTE, Bhopal. After getting such recognition of NCTE, the college obtained affiliation from the Barkatullah University, Bhopal, and admitted students allocated to the college by the Board

of Secondary Education during the academic year 2005-2006. Thereafter, the NCTE communicated an order dated 23-5-2007 to the Principal of the College informing him that the college is recognised for the year 2006-2007. The Board of Secondary Education as the Nodal Agency authorised to hold centralized counselling for admission to B. Ed. course in the State of Madhya Pradesh allotted 100 students for admission to the college during the academic year 2006-2007. On the basis of such allotment, students were admitted to the B. Ed. course of the college for the academic year 2006-2007. The college then submitted examination forms of the students admitted for the academic year 2006-2007 to the Barkatullah University and the Barkatullah University permitted these students to appear in the examination as regular students, but the results of the B. Ed. Examination of the students for the academic year 2006-2007 of the college were not published.

3. The college has filed Writ Petition No. 12012/2007 and five students of the college who were admitted to the college for the academic year 2006-2007 and who have taken the B. Ed. examination, have filed Writ Petition No. 13252/2007 praying for a direction to the Barkatullah University to publish the results of the B. Ed. Examination. We have heard Mr. Ajay Mishra, learned Senior Counsel appearing for the petitioner(s) and Mr. P.K. Kaurav, learned Counsel appearing for the respondent/University.

4. We find that the only contention raised by the Barkatullah University in their returns filed in the two writ petitions, is that the college has not been granted unconditional recognition as required u/s 14 of the National Council for Teacher Education Act, 1993 (for short "the Act") by any formal order of recognition and in absence of such formal order of recognition, the Barkatullah University is not in a position to declare the results of the students admitted to the college for the academic year 2006-2007.

5. Section 14 of the Act on which reliance is placed by Mr. Kaurav, is quoted herein below:

Section 14. Recognition of Institutions offering course for Training in Teacher Education.--

(1) Every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations:

Provided that an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an application for recognition within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under Sub-section (1) shall be

such as may be prescribed.

(3) On receipt of an application by the Regional Committee from any institution under Sub-section (1), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall--

(a) If it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution subject to such conditions as may be determined by regulations; or

(b) If it is of the opinion that such institution does not fulfill the requirements laid down in Sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing:

Provided that before passing an order under Sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation.

(4) Every order granting or refusing recognition to an institution for a course or training in teacher education under Sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the Local Authority or the State Government and the Central Government.

(5) Every institution, in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under Clause (b) of Sub-section (3).

(6) Every examining body shall, on receipt of the order under Sub-section (4),--

(a) grant affiliation to the institution, where recognition has been granted, or

(b) cancel the affiliation of the institution, where recognition has been refused.

6. Sub-section (3) of Section 14 of the Act quoted above would show that on receipt of an application by the Regional Committee from any institution and after obtaining from the institution concerned such other particulars as it may consider necessary, the Regional Committee shall grant recognition to the institution, if it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by regulations. Sub-section (4) of Section 14 of the Act provides that every order granting recognition to an institution for a course or training in teacher education under Sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the

Local Authority or the State Government and the Central Government. There is nothing in Section 14 of the Act to indicate that the Regional Committee shall issue first a provisional order and thereafter a formal order of recognition.

7. Mr. Kaurav, learned Counsel appearing for the respondent/ University, submitted that Sub-section (4) of Section 14 of the Act provides for publication of order of recognition in the official gazette and therefore the order, which is published in the official gazette, would be a formal order. We are unable to accept this contention of Mr. Kaurav. Sub-section (4) of Section 14 of the Act provides that every order granting recognition to an institution for a course or training in teacher education under Sub-section (3) shall be published in the official gazette and communicated in writing for appropriate action to the institution and to the concerned examining body, the Local Authority or the State Government and the Central Government. We have seen that under Sub-section (3) of Section 14, there can be only one order of recognition and it is this order of recognition under Sub-section (3) of Section 14 of the Act, which is published in the official gazette as well as communicated to the institution and to the concerned examining body, the Local Authority or the State Government and the Central Government. There is therefore no difference between the order of recognition which is communicated and the order of recognition that is published in the official gazette. Hence, if an order of recognition has been issued by the Regional Committee under Sub-section (3) of Section 14 of the Act and has been communicated in writing to the institution and to the concerned examining body, the Local Authority or the State Government and the Central Government, it cannot be said that there is no formal order of recognition merely because the same has not been published in the official gazette.

8. Apart from the language of Sub-sections (3) and (4) of the Section 14 of the Act, the consequences of the plea raised by the Barkatullah University that without a formal order of recognition, the University cannot declare the results of the students who have taken the B. Ed. Examination conducted by the University would be very grave for the students. Once an order of recognition is issued by the Regional Committee in favour of an institution and the institution is affiliated with the examination body, the institution, which has been granted recognition, can admit the students to the course or training for which the recognition has been granted as provided in the regulations made under the Act. On completion of B. Ed. course, such students obviously will have to take examination and if the examining body with which the institution is affiliated, turns round and says that unless a formal order of recognition is published in the official gazette, they will not publish the results of the students admitted to the college on the basis of the recognition by the Regional Committee of the NCTE and affiliation by the examining body, the students will have wasted the whole of their academic year for no fault on their part.

9. Moreover, in the facts of the present case we find that the University has accepted the examination forms and has permitted the students who were

admitted to the college during the academic year 2006-2007 to take the B. Ed. examination and no condition was stipulated by the University at the time of acceptance of the forms for examination that the results will not be declared until a formal order of recognition is published in the official gazette. The University, therefore, is estopped from taking a stand at a later stage that it will not declare the results of the students who have taken the examination unless and until a formal order of recognition of the college is published in the official gazette.

For the aforesaid reasons, we allow these two writ petitions and direct the Barkatullah University to publish the results of the students of the college who were admitted during the academic year 2006-2007 to B. Ed. course and who have taken the B. Ed. examination conducted by the Barkatullah University within a period of seven days from the date of receipt of certified copy of this order.