
(2008) 05 KL CK 0028

In the High Court Of Kerala

Case No : Writ Petition (C) No. 15339 of 2007

Vikram Sarabhai Educational Trust and B.Ed. College

APPELLANT

Vs

University of Calicut and Another

RESPONDENT

Date of Decision : 23-05-2008

Acts Referred:

National Council for Teacher Education Act, 1993 — Section 12, 14, 14(1), 14(3), 14(4)
National Council for Teachers Education (Norms and Standards for Teacher Education Programmes) Regulations, 2001 — Regulation 11, 8, 8(5), 8(8)

Citation : AIR 2008 Ker 216 : (2008) 2 ILR (Ker) 623 : (2008) 4 JCR 652 :
(2008) 2 KLJ 343 : (2009) 2 SLR 781

Hon'ble Judges : P.N. Ravindran, J;K. Balakrishnan Nair, J;A.K. Basheer, J

Bench : Full Bench

Advocate : George Poonthottam, for the Appellant; P.C. Sasidharan, S.C. for Respondent Nos. 1 and 2 and V.M. Kurian, for the Respondent

Judgement

K. Balakrishnan Nair, J.—The point that arises for decision in this writ petition is whether the University is bound to grant affiliation to a B.Ed. College, for which the petitioner has obtained recognition u/s 14(3)(a) of the National Council for Teacher Education Act, 1993 (hereinafter referred to as the NCTE Act) from the Southern Regional Committee of the National Council for Teacher Education, notwithstanding the report of the Sub Committee of the University that the College does not have the requisite infrastructural facilities.

2. The brief facts of the case are following : The petitioner Trust was an applicant for establishing a B.Ed. college at Kaipamangalam in Thrissur District since 2002. It is unnecessary to re-state the travails faced by the petitioner in pursuing its application. Suffice it to say, finally, the Southern Regional Committee of the NCTE by Ext. P1 order dated 23-3-2007, granted recognition to Vikram Sarabhai B.Ed., College, Kaipamangalam, Kodungallur, Thrissur District for conducting B.Ed. Course of one year duration with an annual intake of 100 students. The recognition was granted u/s 14(3)(a) of the NCTE Act. The grant was subject to the condition that the College should shift to Its own premises/ building within

there years from the date of recognition. It was also stipulated that the recognition is subject to fulfilment of all such other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University/bodies, State Government, etc. as applicable. The said order reads as follows:

ORDER

Whereas in terms of Section 14(1) of the NCTE Act, 1993 Vikram Sarabai Education Trust, Thrissur District, Kerala has submitted an application to the Southern Regional Committee of NCTE for grant of recognition to Vikram Sarabhai B.Ed., College, Kaipamangalam, Kodungallur, Thrissur District 680681, Kerala for Secondary (B.Ed.) course of one year duration with an annual intake of 100 (Hundred) Students.

2. AND WHEREAS on scrutiny of the application submitted by the institution, the documents attached therewith, the affidavit and the input received from the visiting team in the form of report and videography, the Committee is satisfied that the institution fulfils the requirements under the provisions of NCTE Act, Rules and relevant Regulations including the Norms and Standards for the said teacher education programme such as instructional facilities, infrastructural facilities, library, accommodation, financial resources, laboratories etc. for running the programme and has appointed duly qualified teaching staff as per NCTE norms.

3. Now, therefore, in exercise of the powers vested u/s 14(3)(a) of the NCTE Act, 1993, the Southern Regional Committee hereby grants recognition to Vikram Sarabai College of Education, Kaipamangalam, Kodungallur, Thrissur District--680681, Kerala for conducting Secondary (B.Ed) course of one year duration with an annual intake of 100 (Hundred) students under Clause 7(12) of Regulations dated 13-1-2006. This order of recognition shall be prospective and take effect from the date of issue of this order, subject to fulfilment of the following:

i) The institution shall, within one month of the receipt of recognition order, convert the endowment fund account into a joint account to be operated along with an official of the Southern Regional Committee.

ii) The institution shall comply with the various other norms and standards prescribed in the NCTE regulations, as amended from time to time.

(iii) The institution shall shift to its own premises/building within three years from the date of recognition (in case the course is started in rented premises)

4. Further, the recognition is subject to fulfilment of all such other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University/bodies, State Government etc. as applicable.

5. The institution shall submit to the Regional Committee a Self-Appraisal Report at the end of each academic year along with the statement of annual accounts

duly audited by a Chartered Accountant.

6. The institution shall maintain & update the Web-site as per provisions of NCTE Regulations.

7. If the institution contravenes any of the above conditions or any of the provisions of the NCTE Act, Rules, Regulations and Orders made or issued thereunder, the Regional Committee shall withdraw the recognition under the provisions of Section 17(1) of the NCTE Act.

By order, Sd/- (N. Mohan Das) Regional Director.

On receipt of Ext. P1 order of recognition, the petitioner submits, if filed an application before the 1st respondent University of Calicut, praying for grant of affiliation to its College. Ext. P2 is the application for affiliation submitted by it. The University had, earlier, on 23-8-2005 agreed in principle to grant provisional affiliation to the proposed B.Ed. College under the management of the petitioner at Kaipamangalam, Thrissur District for the academic years 2005-06 and 2006-07, subject to approval of the Government of Kerala and the National Council for Teacher Education. But, according to the petitioner, the University was under instructions from the Kerala Government, not to grant affiliation to any self-financing B.Ed. College. Therefore, the University was sleeping over the matter. So, this writ petition was filed, seeking the following reliefs:

i) Issue a writ in the nature of mandamus directing the respondents 1 and 2 to grant affiliation so as to enable the petitioner to commence the academic session during the academic year 2007-08 pursuant to the grant of recognition as per Ext. P1.

ii) Issue a writ declaring that in terms of Section 14(6)(a) of the NCTE Act the University is statutorily bound to grant affiliation when recognition is given by NCTE u/s 14(3)(a) and the University cannot frustrate the grant of recognition by refusing affiliation as sought and required to be issued.

According to the petitioner, once the NCTE grants recognition, the University is bound to grant affiliation. In support of that submission, reliance was placed on the decision of the Apex Court in State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and Others, .

3. The Registrar of the University of Calicut has filed a counter-affidavit, resisting the prayers in the writ petition. Relying on Chapter XXVI of the First Statutes, concerning affiliation of Colleges to the University of Calicut, it was contended that for getting affiliation for a course for the academic year 2007-08, the petitioner should have applied in the prescribed form before 31st October, 2006. The University also relied on para 4 of Ext. P1, which said that grant of recognition is subject to fulfilment of requirements as may be prescribed by the affiliating University etc. It was also contended that Ext. P3 consent of affiliation will not enable the petitioner to get affiliation, unless other statutory requirements are satisfied. According to the University, the petitioner did not file

any application for affiliation for the academic year 2007-08. The University also relied on the decision of this Court in Rural Educational and Social Trust Vs. University of Calicut and Another, wherein a Division Bench of this Court held that grant of affiliation is not an empty formality. The said decision was rendered by the Division Bench after referring to the decision of the Apex Court in State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shashtra Mahavidyalaya and Others, .

4. Since, in the counter-affidavit, the very submission of Ext. P2 application was disputed by the University, the petitioner filed a reply affidavit on 11-7-2007 as also an additional affidavit on 20-7-2007. Along with the additional affidavit, materials were produced to show that Ext. P2 application was submitted by the petitioner. The University, thereupon filed an additional counter-affidavit on 1-8-2007. In the said affidavit, it was submitted that the petitioner has not submitted any valid application by remitting the necessary fees for affiliation of the course for the academic year. 2007-08. An undated application received in the office of the University on 11-5-2007 does not satisfy the requirement of law, it was submitted. Since no valid application was submitted by the petitioner, the University prayed for dismissal of the Writ Petition. The petitioner filed a reply affidavit on 6-8-2007, dealing with the averments of the University. It also produced Ext. P8 challan receipt dated 2-8-2007, evidencing payment of the requisite fee for affiliation. The petitioner also filed I.A. No. 12218/2007 to receive Exts. P9 to Ext. P11. In the affidavit filed in support of that petition, it was contended by the petitioner that the affiliation fee is collected only after the actual grant of affiliation. The petitioner also submitted that applications from similarly placed educational agencies were entertained by the Calicut University and affiliation was granted to them, which its application was being held under objection.

5. The learned single Judge who heard the writ petition referred the case to the Division Bench, doubting the correctness of the decision of the Division Bench of this Court in Rural Education and Social Trust v. University of Calicut 2007 (2) KLT 609 : AIR 2006 SCW 2048. The Division Bench, which heard the writ petition on reference by the learned single Judge, took the view that there is substance in the stand taken by the learned single Judge and therefore, referred the writ petition to be heard by the Full Bench. The Division Bench also simultaneously on 4-10-2007 passed an interim order to grant provisional affiliation to the petitioner's College.

6. The 1st respondent filed LA. 16823/ 2007 to vacate the interim order passed by the Division Bench on 4-10-2007. The writ petitioner filed a counter-affidavit in the above I.A., and along with that, it has produced copies of title deeds as Exts. P12 and PI 3, to show that the Trust managing the College is having sufficient extent of land in its possession and ownership, as mandated under the NCTE regulations. The petitioner has also produced Ext. P14 order of the University, granting provisional affiliation to a self-financing B.Ed. Training

College established at Koyilandy. According to the petitioner, the objections taken against it, were available in that case also. The University, even then, has chosen to grant affiliation to that College as per Ext. P14 order dated 10-12-2007. It is alleged that the stand taken by the University in the case of the writ petitioner is highly arbitrary and discriminatory.

7. Mr. George Poonthottam, who appeared for the writ petitioner, reiterated the contentions mentioned in the writ petition. According to him, once the NCTE grants recognition, nothing remains for the University to consider regarding the availability of infrastructural facilities. Once the NCTE grants affiliation u/s 14(3) (a) of the NCTE Act, the examining body, that is, the University is bound to grant affiliation u/s 14(6)(a) of the said Act. Heavy reliance was placed by the learned Counsel on the decision of the Apex Court in *State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and Others*, .

8. The learned standing counsel for the University Mr. P.C. Sasidharan reiterated the contentions of the University, which we have already noticed above. According to him, the grant of affiliation is not an empty formality, especially, in view of condition No. 4 contained in Ext. P1, which makes it mandatory to fulfil the requirements of the affiliating University also, for grant of affiliation. Relying on the decision of the Apex Court in *Jaya Gokul Educational Trust v. Commissioner & Secretary to Government* 2000 (2) KLT 267 (SC) : AIR 2000 SC 1614, it was submitted that for grant of affiliation, the University can impose additional conditions, which are not inconsistent with the NCTE Act or Regulation. The learned standing counsel also relied on the decision of the Division Bench of this Court in *Rural Educational and Social Trust Vs. University of Calicut and Another*, in support of his submission that affiliation is not automatic on grant of recognition by the NCTE.

9. We also had the benefit of hearing Mr. V.M. Kurian, learned standing counsel for the NCTE, which was impleaded as additional 3rd respondent in the writ petition, at the time of final hearing of it. The learned standing counsel made available to us, the file leading to Ext. P1 for our perusal.

10. Before dealing with the rival contentions of the parties, we feel that it will be appropriate to refer to the statutory provisions that are relevant in this case. The NCTE Act, 1993, as evident from its preamble, is an Act to provide for the establishment of a National Council for Teacher Education with a view to achieving planned and co-ordinated development of the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher education system and for matter connected therewith. Section 14 deal with recognition of institutions offering course or training in teacher education. Section 14(1) deals with submission of application to the Regional Committee of the NCTE for recognition. Section 14(3)(a) deals with grant of recognition. The said provision reads as follows:

14. Recognition of institutions offering course or training in teacher education:

(1). ...

(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.

Section 14(4) provides for publication of the order granting recognition in the Official Gazette as also communication of the same to the examining body, the local authority, the State Government and the Central Government. Examining body is defined u/s 2(d) of the Act as to mean a University. Sub-section (6) of Section 14 provides that once the order of recognition is communicated u/s 14(4), the University is bound to grant affiliation to the College. Section 14(6), dealing with grant of affiliation by the University, reads as follows:

(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.

Section 17 deals with cancellation of the recognition granted u/s 14(3). Section 18 provides for appeals against the orders passed u/s 14 or Section 17.

11. Going by the above statutory provisions, there cannot be any doubt that normally, once the Southern Regional Committee of the NCTE grants recognition to the petitioner's College, the examining body, that is, the 1st respondent University is bound to grant affiliation to the said College. The same cannot be denied, relying on the technical contention that the petitioner did not submit the application before the 30th October of the preceding year, in view of the decision of the Apex Court in *State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and Others*, . In the said decision the Apex Court held as follows (paras 72, 74, 77 & 78 of AIR SCW):

74. It is thus clear that the Central Government has considered the subject of secondary education and higher education at the national level. The Act of 1993 also requires Parliament to consider teacher education system "throughout the country". NCTE, therefore, in our opinion, is expected to deal with applications for establishing new B.Ed. colleges or allowing increase in intake capacity, keeping in view the 1993 Act and planned and coordinated development of teacher education system in the country. It is neither open to the State Government nor to a university to consider the local conditions or apply "State policy" to refuse such permission. In fact, as held by this Court in cases referred

to hereinabove, the State Government has no power to reject the prayer of an institution or to overrule the decision of NCTE. The action of the State Government, therefore, was contrary to law and has rightly been set aside by the High Court.

xxx xxx xxx

76. We may state at this stage that the contesting respondents have placed heavy reliance on Section 12 of the Act which relates to functions of the Council and submitted that it is incumbent on the Council to lay down norms and guidelines for ensuring planned and coordinated development of the teacher education and it is not open to the Council to delegate those "essential functions" to the State Government. According to them, such delegation would be excessive and impermissible and abdication of power by the Council in favour of the State Government which is inconsistent with the provisions of the parent Act and must be held ultra vires. In reply, Mr. Andhyarujina submitted that the constitutional validity of the regulations or guidelines had not been challenged before the High Court and the respondents now cannot be permitted to raise such point in this Court in the absence of the challenge. The respondents, however, urged that since they succeeded before the High Court on other points, it was not necessary for them to challenge the vires of the Regulations. But when the State had approached this Court, they can support the judgment on any ground available to them including unconstitutionality of regulations and guidelines. In our opinion, it is not necessary to enter into the larger question since we are satisfied that in the facts and circumstances of the case, the High Court was justified in allowing the petitions filed by the colleges and setting aside the order dated 28-12-2004 passed by the State Government and also in dismissing the petition filed by the State holding that the order of the State was not legal. We may, however, observe that the learned Counsel for NCTE, Mr. Raju Ramachandran is right in submitting that the guidelines permitted the State Government to collect necessary data and materials and make them available to NCTE so as to enable NCTE to take an appropriate decision. In accordance with the provisions of the 1993 Act, final decision can be taken only by NCTE and once a decision is taken by NCTE, it has to be implemented by all authorities in the light of the provisions of the Act and the law declared by this Court. It has been so held in *St. Johns Teachers Training Institute Vs. Regional Director, National Council for Teacher Education and Another*, .

xxx xxx xxx

79. Before parting with the matter, we may state that at one stage, the High Court has observed that:

Insofar as the university is concerned, considering the provisions of Section 15 of the NCTE Act, once permission has been granted u/s 14, the university is bound to grant affiliation in terms of the Act, Rules and Statutes. Section 83 requires the university to grant affiliation only after permission is granted u/s 82 of the

Maharashtra Universities Act. To that extent the provisions of Sections 82 and 83 are inconsistent with the provisions of the NCTE Act and are "null and void".

80. In our opinion, the observations that the provisions of Sections 82 and 83 of the Maharashtra Universities Act are "null and void" could not be said to be correct. To us, it appears that what the High Court wanted to convey was that the provisions of Sections 82 and 83 would not apply to an institution covered by the 1993 Act. As per the scheme of the Act, once recognition has been granted by NCTE u/s 14(6) of the Act, every university ("examining body") is obliged to grant affiliation to such institution and Sections 82 and 83 of the University Act do not apply to such cases.

Section 82 of the Maharashtra Universities Act contains provisions similar to those contained in Chapter XXII of the First Statutes of the University of Calicut. But, a Division Bench of this Court in *Rural Educational and Social Trust Vs. University of Calicut and Another*, held that affiliation by the University on receipt of recognition from NCTE is not automatic. In the said decision, it was held as follows:

6. We are of the view that no error has been committed by the University. Calicut University First Statute 1977 clearly says that no student shall be admitted before getting affiliation from the University. Affiliation from the University is not an empty formality. In *State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya and Others*, the Apex Court stated that the University is bound to implement the decision of NCTE, but that does not mean that the University shall not follow the statutory provisions. In *Bharathidasan University and Others Vs. Dhanalakshmi Srinivasan, Educational and Charitable Trust and Others*, , a Division Bench of the Madras High Court has taken the view that as per Sections 14 and 16 of the National Council for Teacher Education Act, 1993, affiliating body like University is to grant affiliation on receiving information as to the recognition of institution from NCTE and no discretion is left to affiliating body to stipulate any more condition, especially condition regarding prior permission of State Government which would render order of recognition ineffective. We do not endorse that view of the Madras High Court.

7. The Apex Court in *Jaya Gokul Educational Trust Vs. The Commissioner and Secretary to Government Higher Education Department, Thiruvananthapuram, Kerala State and Another*, has taken the view the University ought to have considered the grant of final or further affiliation without waiting for any approval from the State Government and should have acted on the basis of the permission granted by AICTE and other relevant factors in the University Act or Statutes, which are not inconsistent with the AICTE Act or its Regulations. In that case the direction to the University to consider the application of the appellant for final affiliation or continuance of affiliation was confirmed on the basis of the approval granted by AICTE or any other relevant factors in the University Act or its Statutes which are not inconsistent with the AICTE Act or its Regulations.

8. We are of the view, the provisions of the NCTE Act would definitely govern if it is inconsistent with the provisions of the University Act or Regulations or the University First Statute. Petitioner has not succeeded in showing that the University Act or Statutes are inconsistent with the provisions of the NCTE Act. That being the legal position, we find no error in the view of the learned single Judge to be interfered by us in these appeals. Appeals therefore lack merits and they are accordingly dismissed.

12. The Writ petition happened to be referred to the Full Bench because of the apparent conflict between the decision of the Apex Court mentioned above and the above quoted decision of the Division Bench. A close reading of both the decisions would show that in fact, there is no conflict between the decision of the Division Bench and that of the Apex Court. It is trite law that when the central body grants recognition, based on the finding that the College has necessary infrastructural facilities, the University has no power or authority to decline affiliation, on the ground of lack of infrastructural facilities. In view of the decision in *Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya's case* 2006 AIR SCW 2048 (supra), affiliation cannot be declined on the ground that the application for the same was not submitted in time in terms of the provisions of the Calicut University First Statutes. Going by the decision of the Apex Court in *Jaya Gokul Educational Trust v. Commissioner & Secretary to Government* 2000 (2) KLT 267 (SC) : AIR 2000 SC 1614, the University can insist that the requirements as per the Statutes, which are not in conflict with the provisions of the Central Act and the Regulations, should be complied with, for grant of affiliation. The decision in *Rural Educational and Social Trust Vs. University of Calicut and Another*, only lays down this principle. When understood in that manner, there is no conflict between that decision and the decision of the Apex Court in *Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya* AIR 2006 SCW 2048 (supra).

13. There may be a case where recognition is granted by the NCTE, holding that the College has all infrastructural facilities and it may be found by the University that no such facilities are available. In such a case, it can be rightly said that the recognition has been obtained by fraud. If the University feels that the affiliation has been granted illegally, it has several options before it. It may bring the same to the notice of the NCTE, so that the Council can cancel the affiliation u/s 17 of the Act. It may challenge the recognition granted by filing an appeal u/s 18 of the Act before the National Council for Teacher Education. The University can also challenge the recognition before this Court by filing a writ petition. In an appropriate case, for example, where recognition has been obtained by fraud, the University may even collaterally attack the validity of the recognition granted, in enforcement proceedings, like the present writ petition.

14. Going by the materials produced in this case, including the video recording of the inspection, we find that accommodation has been provided for the College in a rented building, which is, apparently, part of a larger shopping complex. It

appears, minimum infrastructural facilities are provided by the petitioner for starting the College. As evident from para 3 of Ext. PI, the application was processed and dealt with as per the Regulations notified in the Official Gazette on 13-1-2006. The said Regulations bearing No. F.49-42/2005-NCTE (N & S) were framed on 27-12-2005. They were enforced with effect from 13-1-2006. As per Regulation 8 of the said Regulations, which contains the conditions for grant of recognition, the College should have its own building, as evident from Regulation 8(5) read with Regulation 8(8). The said Sub-regulations and Regulation II are quoted below for convenient reference:

8(5) No institution shall be granted recognition under these regulations unless it is in possession of required land on the date of application. The land free from all encumbrances could be either on ownership basis or on lease for a period of not less than 30 years. In cases where under relevant State/ UT laws the maximum permissible lease period is less than 30 years, the State Government/UT Administration law shall prevail.

8(8) At the time of inspection, the building of the institution shall be complete in the form of a permanent structure on the land possessed by the institution in terms of Regulation 8(5), equipped with all necessary amenities and fulfilling all such requirements as prescribed in the norms and standards.

11. Repeal of Regulations:

(1) The following regulations stand repealed with effect from the date the above new regulations come into force,

1. ...except Regulation 8(i) containing the norms and standards of various teacher education programmes.

Going by Regulation 11 of the said Regulations, the earlier Regulations were all repealed, except Regulation 8(i) of NCTE (Form of application for recognition, the time limit of submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course or training) Regulations, 2002. As per Regulation 8(i) of the said Regulations, the provisions contained in Appendix 7 of it are applicable to B.Ed. Education Programme. As per para 7(d) of Appendix 7, pending construction of permanent building, the institution can be run in suitable temporary premises up to a maximum period of three years, Para 7(d) reads as follows:

To provide these facilities the Management/Institutions shall at the time of making application have in its possession adequate land/land and building on ownership basis free from all encumbrances. Govt. land acquired on long-term lease as per the law of the concerned State/UT will also be considered valid for the purpose. Pending construction of permanent building in the above land, the institution may provide these facilities in suitable temporary premises up to a maximum period of 3 years before expiry of which the institution should shift to its permanent building.

Ext. P1 stipulates that the petitioner should shift to its own permanent building within three years from the date of Ext. P1. Subsequently, with effect from 21-7-2006, new norms have been introduced, wherein there is no provision for opening the College in temporary premises. The Southern Regional Committee of the NCTE dealt with the pending applications, based on the norms prevailing at the time when they were submitted and processed.

15. We have already answered the point referred for our decision that there is no conflict between the decision of the Apex Court and that of the Division Bench of this Court mentioned above. Going by the materials on record, we find it difficult to hold that this is a case where no facilities are provided for the conduct of the course. If the inspection report of the University is correct, certain facilities may be inadequate in accordance with the NCTE norms and to that extent, the grant of recognition by the NCTE may not be proper. But, we think, this is not the forum to adjudicate this dispute, as this is not a case of "no facilities" or the recognition is obtained by fraud. The University, therefore, cannot be permitted to collaterally attack Ext. PI in this writ petition. It has to take recourse to the remedies available to it under the Statute against the grant of recognition by the Southern Regional Committee of the NCTE allegedly without the essential infrastructural facilities. Of course, if this was a case, where no facilities were provided, this being a discretionary jurisdiction, we would have declined to issue any direction in favour of the petitioner. But, this being a marginal case, until the recognition is stayed or set aside by the competent authority, we are of the view that the University is bound to act u/s 14(6) of the NCTE Act and grant affiliation. If there are other requirements to be satisfied by the petitioner like payment of any fee etc. which are not at variance with the NCTE Act, the Regulations framed thereunder and the decision of the NCTE, then the University may ask the petitioner to comply with such requirements within a time frame and thereafter grant affiliation. Condition No. 4 of Ext. PI cannot override the mandatory provisions of the NCTE Act. The said condition should be read down to make it in conformity with the provisions of Section 14(6) of the said Act. If, so far, the University has not granted affiliation to the petitioner's College, pursuant to (the interim order of this Court, the same shall be done within one month from the date of production of a copy of this judgment. If Ext. PI order is stayed, modified or recalled by the competent authority or Court, needless to say, this direction to grant affiliation will be subject to such orders.

16. The writ petition is disposed of as above.