

DEVENDRA PATHAK SARVODAYA COLLEGE OF
EDUCATION

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v.

NATIONAL COUNCIL FOR TEACHER EDUCATION
AND ORS.

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(Writ Petition (C) No. 518 of 2021)

AUGUST 11, 2021

[R. F. NARIMAN and B. R. GAVAI, JJ.]

Education/Educational Institutions:

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National Council for Teacher Education Act, 1993: s. 14(1)
– *Recognition of institutions offering course or training in teacher education – B Ed. and D.El.Ed. courses – Petitioner-Colleges sought grant of recognition from National Council for Teacher Education-NCTE for conducting either B.Ed. course or D.El.Ed. course or for both – Grant of recognition by NCTE for conducting B.Ed./ D.El.Ed. course for Academic Session 2022-2023, on consideration of all necessary requirements – However, recognition not granted for Academic year 2021-2022 – Held: Order granting recognition for Academic Session 2022-2023 recorded its satisfaction with regard to the provisions of the Act and Rules and also with regard to Norms and Standards for the teacher education programme – In view thereof, there can be no rationale for NCTE or its Regional Committee to deny the recognition from the Academic Year 2021-2022 – Furthermore, counselling for admission is yet to commence – Thus, the cut-off date fixed by this Court in Maa Vaishno Devi Mahila Mahavidyalaya’s case is extended in the facts of these cases – Petitioners entitled to grant of recognition from the Academic Session 2021-2022 instead of Academic Session 2022-2023 – National Council for Teacher Education (Recognition, Norms and Procedure) Regulations, 2014.*

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Allowing and disposing of the writ petitions, the Court

HELD: 1.1 Proposal of the petitioners for grant of recognition for conducting either B.Ed. course or D.El.Ed. course or for both have been pending for considerable periods. However, the NCTE or its Regional Committees, after considering all the

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- A necessary requirements, have granted recognition for conducting B.Ed./D.El.Ed. course for Academic Session 2022-2023. Perusal of the other petitions would reveal that either identical or similar reasons have been given while granting recognition. It could thus be seen that recognition has been granted by NCTE or its Regional Committees on scrutiny of the applications submitted by the institutions, the documents attached therewith, the affidavits submitted and the reports received from Visiting Teams and videography. It also mentions that the Committee was satisfied that the applicant(s) fulfills the requirement under the provisions of NCTE Act, rules and relevant Regulations, after considering the certificates issued from the affiliating bodies. The order also records its satisfaction with regard to Norms and Standards for the teacher education programme such as instructional facilities, infrastructural facilities, financial resources, etc. for running the programme.
- D [Paras 30, 31, 33][448-E, F; 449-B-D]

- 1.2 After arriving at such a satisfaction, there can be no rational for NCTE or its Regional Committee to deny the recognition from the Academic Year 2021-2022 and insist on recognition for Academic Session 2022-2023. The counselling for admission is yet to commence. Insofar as the time-line prescribed in the judgment of this Court in the case of *Maa Vaishno Devi Mahila Mahavidyalaya*'s case is concerned, this Court itself in catena of orders placed on record has modified the time-line fixed therein. The same course needs to be followed in the instant matter, particularly, when the delay is not attributable to the petitioners, but, on the contrary to NCTE or its Regional Committees. [Para 34][449-D-F]
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- 1.3 The cut-off date fixed by this Court in *Maa Vaishno Devi Mahila Mahavidyalaya*'s case is extended in the facts of these cases; it is held that the petitioners would be entitled to the recognition granted by respective orders passed by NCTE or its Regional Committees from the Academic Session 2021-2022 instead of Academic Session 2022-2023; the Respondent NCTE and its Regional Committees are directed to issue formal orders/
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notifications in that regard within the stipulated period; the State and other Authorities would consider grant of affiliation and/or other requisite permissions within the stipulated period; the petitioners would be entitled to admit the students for Academic Session 2021-2022 as per the sanction granted by NCTE for the Academic Session 2022-2023; and the name of the petitioner-colleges/institutions would be included in the counselling programme for admissions. [Para 35][449-F-H; 450-A-C]

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Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh and Others (2013) 2 SCC 617 : [2012]
13 SCR 810 – relied on.

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Case Law Reference

[2012] 13 SCR 810

relied on

Paras 34, 35

CIVIL ORIGINAL JURISDICTION: Writ Petition (C) No.518 D of 2021.

Under Article 32 of The Constitution of India

With

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Writ Petition (Civil) Nos.532, 793, 778, 789, 794, 608, 602, 601, 538, 711, 823 of 2021.

Amitesh Kumar, Ms. Binisa Mohanty, Ms. Priti Kumari, Mritunjay Kumar Sinha, Animesh Kumar, Neeraj Shekhar, Nishant Kumar, Ms. Utkarsha Sharma, Ms. Shweta Singh, Shreeyash Uday Lalit, Mukesh Kumar Singh, Ikshit Singhal, Maneesh Saxena, Anbarasan Nathar Paul for M/s. Mukesh Kumar Singh and Co., Mayank Manish, Ravi Kant, Vivek Singh, C. P. Rajwar, Chandra Prakash, Advs. for the Petitioner.

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S. Wasim A Qadri, Dr. Manish Singhvi, Sr. Advs., Ms. Manisha T. Karia, Ms. Sukhda Kalra, Adarsh Kumar, Ms. Nidhi Nagpal, Saeed Qadri, Ms. Udit Singh, Gopal Singh, Manish Kumar, Sandeep Kumar Jha, Kunal Chatterjee, Ms. Maitrayee Banerjee, Siddhartha Chowdhury, Advs. for the Respondents.

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A The Judgment of the Court was delivered by

B. R. GAVAI, J.

1. The facts in all these bunch of petitions are almost similar and as such, are decided by this common judgment.

B 2. We will refer to the facts in the lead matter i.e. Writ Petition (Civil) No.518 of 2021 in some detail and would refer to the bare necessary facts in all other matters.

Writ Petition (Civil) No.518 of 2021

C 3. The petitioner college was established as unaided training college to impart Bachelor in Teacher Education (B.Ed.) and Diploma in Elementary Education (D.El.Ed.) courses in the year 2011.

D 4. The petitioner college submitted an application to respondent No.1 – National Council for Teacher Education (hereinafter referred to as ‘NCTE’) for grant of recognition under Section 14(1) of the National Council for Teacher Education Act, 1993 (hereinafter referred to as ‘the said Act’) for conducting B.Ed. course with an annual intake of 100 students.

E 5. Vide order dated 25.2.2014, NCTE granted recognition for B.Ed. course under one year programme for Academic Year 2014-2015 with an annual intake of 100 students.

F 6. Respondent No. 2 – Magadh University, Bodh Gaya, Bihar, vide letter dated 2.8.2014 granted affiliation to the petitioner college to conduct admission with 100 seats of one year B.Ed. course from Academic Year 2014-2015 till continuation of accreditation of NCTE.

G 7. By the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations, 2014 (hereinafter referred to as ‘2014 Regulations’), notified on 28.11.2014, a two-year B.Ed. course was introduced instead of one-year B.Ed. course from Academic Session 2015-2016 onwards.

H 8. Petitioner-college by an affidavit agreed to come under 2014 Regulations and sought for two basic units (100 seats) in B.Ed. course, which requires additional facilities. Vide order dated 23.5.2015, petitioner-college was granted recognition for two-year B.Ed. course for Academic Session 2015-2016 with an annual intake capacity of 100 seats.

order dated 2.5.2016 with an annual intake of 50 seats for two years A
duration from Academic Session 2016-2017 to 2017-2018.

9. On 3.6.2016, after receiving NOC, the petitioner-college submitted its online application to NCTE seeking recognition for additional two units (100 seats) for D.El.Ed. and B.Ed. courses along with relevant documents. B

10. Vide order dated 26.9.2017, respondent No.3 – Bihar School Examination Board granted affiliation to the petitioner-college for conducting D.El.Ed. course with one unit (50 seats) from Academic Session 2017-2019. C

11. In the 280th meeting of NCTE, held on 29.2.2020 and 1.3.2020, a visiting team was constituted under the provisions of Section 15 of the said Act so as to inspect the infrastructure and instructional facilities for additional intake in B.Ed. and D.El.Ed. courses. However, on account of Covid-19 pandemic, inspection could not take place as scheduled. Subsequently, inspection in the petitioner-college came to be conducted on 8.3.2021 and a letter of intent was issued in favour of the petitioner-college by NCTE for additional intake in B.Ed. and D.El.Ed. courses as to the proposal submitted by the petitioner-college on 10.6.2021. In the 290th meeting held on 3.3.2021, NCTE found that the petitioner-college has adequate facility required for conducting teachers' courses. Petitioner-college was therefore asked to intimate its willingness on an affidavit about the number of units sought for the purpose of granting of the formal recognition. Petitioner-college replied thereto stating that the petitioner-college has the necessary infrastructure for additional intake of two units for B.Ed. course and two units for D.El.Ed. course. Recognition was granted to the petitioner-college for additional intake of two units in B.Ed. course and two units in D.El.Ed. course in the 291st meeting of NCTE, held on 12.4.2021. However, by the said resolution, the recognition has been granted for Academic Year 2022-2023 and not for Academic Year 2021-2022. D E F

12. In this background, the petitioner-college has approached this Court seeking a direction to the respondents to grant recognition for Academic Year 2021-2022. G

WRIT PETITION (CIVIL) NO. 532 OF 2021

13. In the present case, the petitioner-college had applied in pursuance to the public notice issued by NCTE in the year 2015 thereby H

- A inviting applications for running D.El.Ed. course from Academic Session 2016-2017. Though the petitioner's application was pending since 2015, the Eastern Regional Committee of NCTE (hereinafter referred to as 'ERC') in its 292nd meeting, held on 20.4.2021, decided to grant recognition to the petitioner-college from Academic Session 2022-2023.
- B The petitioner has, therefore, approached this Court seeking similar relief for a direction to grant recognition from the Academic Year 2021-2022.

WRIT PETITION (CIVIL) NO. 793 OF 2021

- 14. In the present case also, the petitioner, in pursuance to the public notice issued by the NCTE in the year 2015, made an application for running B.Ed. and D.El.Ed. courses. The Department of School Education and Literacy Department (Primary Education Secretariat), State of Jharkhand has also granted 'No Objection Certificate' (NOC) for running D.El.Ed. course on 26.2.2016. The application of the petitioner was rejected by ERC vide order dated 14.4.2016 insofar as D.El.Ed. course is concerned. The reason given was that the NOC had not been received from the Directorate of Primary Education, Government of Jharkhand. ERC also rejected the application of the petitioner for B.Ed. vide order dated 14.4.2016 on the ground that the institution has not submitted the NOC for the D.El.Ed. programme and as such, recognition for B.Ed. course cannot be granted.
- 15. There was a series of litigation between the petitioner and the NCTE. The Division Bench of the Jharkhand High Court vide order dated 2.4.2019 allowed LPA no.148 of 2018 and directed ERC and NCTE to revive the application of the petitioner and to process the same for Academic Session 2020-2022.
- 16. Thereafter, there were certain correspondences between ERC of NCTE and the petitioner with regard to certain compliances. Finally, ERC in its 293rd meeting, held on 9.6.2021, decided to grant recognition to the petitioner for conducting D.El.Ed. and B.Ed. courses from Academic Session 2022-2023 with an annual intake of 100 seats (two units) in each course.
- 17. In this background, the petitioner has approached this Court seeking a similar relief.

WRIT PETITION (CIVIL) NO. 778 OF 2021

18. The petitioner applied for grant of permission/recognition to run D.El.Ed. course on 5.7.2016 for two units of 50 students each. NCTE granted permission to the petitioner on 14.2.2018 to run one unit i.e. 50 students in respect of D.El.Ed. course. There were certain litigations with regard to non-grant of second unit to the petitioner. Finally, in its 291st meeting, held on 12.4.2021, ERC decided to issue one additional unit of intake to the petitioner for running D.El.Ed. course from Academic Session 2022-2023. Petitioner also seeks similar relief as sought by the other petitioners.

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WRIT PETITION (CIVIL) NO. 789 OF 2021

19. The petitioner had applied on 20.10.2008 for conducting B.Ed. course with intake of 100 students (two units). There were series of litigations between the petitioner and the North Regional Committee of the NCTE (hereinafter referred to as 'NRC'). On 13.1.2021, the Western Regional Committee of the NCTE (hereinafter referred to as 'WRC'), which now has the jurisdiction to process the applications pertaining to institutions in Rajasthan, issued letter of intent after finding no deficiency in the petitioner-institution. WRC in its 337th meeting (virtual) held on 7th-9th July, 2021, decided to grant recognition to the petitioner-institution for conducting B.Ed. with intake of two units (100 seats) from the Academic Session 2022-2023. In this background, the petitioners approached this Court seeking similar relief.

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WRIT PETITION (CIVIL) NO. 794 OF 2021

20. In the present case also, the petitioner-college in response to the public notice issued in the year 2015 by the NCTE applied on 30.6.2015 for grant of recognition for B.Ed. course from Academic Session 2016-2017. Vide order dated 10.11.2016, the application of the petitioner-college came to be rejected by the WRC in its 262nd meeting. The petitioner preferred statutory appeal, which was allowed and WRC was directed to reconsider the issue. After series of correspondences and some litigation, WRC in its 337th meeting decided to grant recognition to the petitioner for conducting B.Ed. course from the Academic Session 2022-2023. The petitioner has therefore approached this Court seeking similar relief.

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WRIT PETITION (CIVIL) NO. 608 OF 2021

21. The petitioner in pursuance to the public notice issued by NCTE in the year 2015 applied for grant of recognition for conducting B.Ed.

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- A course from the Academic Session 2016-2017 with an annual intake of 100 students. The said application was made on 2.6.2015. After a long period of six years, ERC in its 292nd meeting, held on 20.4.2021, decided to grant recognition to the petitioner-institution for conducting B.Ed. course of two years duration with an annual intake of 100 students (two basic units) from the Academic Session 2022-2023. As such, petitioner has approached this Court seeking similar relief.

WRIT PETITION (CIVIL) NO. 602 OF 2021

- 22. In the present case also, the petitioner, in response to the public notice issued by the NCTE, submitted its application in the year C 2016 for grant of recognition for conducting B.Ed. and D.El.Ed. courses. The application of the petitioner-college came to be rejected in the year 2018. Being aggrieved thereby, the petitioner had approached the Delhi High Court by filing Writ Petition (Civil) No. 5888 of 2018. The Delhi High Court by order dated 28.5.2018 directed ERC to consider the application of the petitioner *de hors* the requirement of NOC.
- D Accordingly, ERC in its 291st meeting, held on 12.4.2021, granted recognition to the petitioner for conducting B.Ed. and D.El.Ed. courses for two units (100 students) from the Academic Session 2022-2023. The petitioner therefore approached this Court seeking similar relief.

WRIT PETITION (CIVIL) NO. 601 OF 2021

- E 23. In the present case also, the petitioner, in response to the public notice issued in the year 2015 by the NCTE, sought recognition for conducting B.Ed. course from the Academic Session 2016-2017 with an annual intake of 100 students vide application dated 15.6.2015. The said application was pending for a period of six years and finally ERC in F its 292nd meeting held on 20.4.2021 granted recognition to the petitioner for conducting B.Ed. course of two-year duration with an annual intake of 100 students (two basic units) from Academic Session 2022-2023. The petitioner thus approached this Court seeking similar relief.

WRIT PETITION (CIVIL) NO. 538 OF 2021

- G 24. In the present case also, the petitioner, in response to the public notice issued in the year 2015 by the NCTE, sought recognition for conducting D.El.Ed. course from the Academic Session 2016-2017 with an annual intake of 100 students vide application dated 15.6.2015. The said application was pending for a period of six years and finally H ERC in its 292nd meeting held on 20.4.2021 granted recognition to the

petitioner for conducting D.El.Ed. course of two-year duration with an annual intake of 100 students (two basic units) from Academic Session 2022-2023. The petitioner thus approached this Court seeking similar relief. A

WRIT PETITION (CIVIL) NO. 711 OF 2021

25. In the present case, the petitioner had applied for grant of recognition for conducting B.Ed. course with intake of 100 students (two units) on 24.12.2012. The said application was returned on ban imposed by the Government of Haryana. The petitioner therefore approached the Delhi High Court by filing Writ Petition (Civil) No.2383 of 2018. The said petition was allowed on 14.3.2018 thereby directing the respondents to reconsider the petitioner's application. NRC in its 295th meeting issued show cause notice to the petitioner to which reply was submitted by the petitioner on 29.3.2019. The petitioner again approached the Delhi High Court by way of filing Writ Petition (Civil) No.2835 of 2019 and the Delhi High Court remanded the matter to NRC for reconsideration by order dated 6.11.2019. NRC, in its 335th (virtual) meeting, decided to grant recognition to the petitioner-institution for conducting B.Ed. course of two-year duration with an intake of 100 seats (two basic units) from the Academic Session 2022-2023. Thus, the petitioner approached this Court seeking similar relief. B
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WRIT PETITION (CIVIL) NO. 823 OF 2021

26. The petitioner had submitted its application in the year 2015 for conducting B.Ed. course. A letter of intent also came to be issued to the petitioner. There were exchange of communications between NRC and the petitioner leading to no result. As such, the petitioner filed a writ petition being Writ Petition (Civil) No.1522 of 2021 before the Delhi High Court. The said petition came to be disposed of by order dated 5.2.2021 directing the respondents to consider the petitioner's application within 10 weeks. In term of the decision taken by NRC in its 336th meeting, by order dated 28.6.2021, it granted recognition to the petitioner for conducting B.Ed. course from the Academic Session 2022-2023 with annual intake of 50 students. Hence, the petitioner approached this Court seeking similar relief as sought by the other petitioners. E
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27. We have heard Shri Amitesh Kumar, Shri Shreeyash Uday Lalit and Shri Mayank Manish, learned counsel for the petitioners, Ms. Manisha T. Karia, learned counsel for NCTE, Dr. Manish Singhvi, H

- A learned Senior Counsel appearing for the State of Rajasthan and Shri Kunal Chatterji, learned counsel for West Bengal Board of Primary Education.
28. It is contended on behalf of the petitioners that though NCTE or its Regional Committees after having satisfied granted recognition to
- B the petitioners-colleges/institutions for the Academic Year 2022-2023, for no reason, the recognition is not granted for the Academic Year 2021-2022. It is submitted that the petitioners have fully complied with all the infrastructural requirements of the NCTE and there is no reason as to why recognition should not be granted for the Academic Year 2021-2022.
- C 29. Ms. Manisha T. Karia, learned Advocate-on-Record for the NCTE submitted that taking into consideration the time frame as is prescribed by this Court in the case of *Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh and others*¹, the recognition has been granted only from the Academic Year 2022-2023 and not from the Academic Year 2021-2022. Learned counsel for the respondent – States also submit that the petitions deserve to be dismissed.
30. As could be seen from the facts narrated herein above, proposal of the petitioners for grant of recognition for conducting either B.Ed. course or D.El.Ed. course or for both have been pending for considerable periods. In some cases, they have been pending as long as for a period of six years. In some cases, there has been series of litigations.
- E 31. However, the factor that is common in all the matters is that NCTE or its Regional Committees, after considering all the necessary requirements, have granted recognition for conducting B.Ed./D.El.Ed. course for Academic Session 2022-2023.
- F 32. It will be relevant to refer to paragraph 2 of the order dated 19th April, 2021 passed by the NCTE in the lead matter i.e. Writ Petition (Civil) No.518 of 2021, which read thus:
- G “2. **AND WHEREAS**, on scrutiny of the application submitted by the institution, the documents attached therewith the affidavit submitted and the report received from VT and videography, and the certificates received from the affiliating body, the Committee is satisfied that the applicant fulfils the requirements under the
- H ¹(2013) 2 SCC 617

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, financial resources, etc., for running the programme.” A

33. Perusal of the other petitions would reveal that either identical or similar reasons have been given while granting recognition. It could thus be seen that recognition has been granted by NCTE or its Regional Committees on scrutiny of the applications submitted by the institutions, the documents attached therewith, the affidavits submitted and the reports received from Visiting Teams and videography. It also mentions that the Committee was satisfied that the applicant(s) fulfills the requirement under the provisions of NCTE Act, rules and relevant Regulations, after considering the certificates issued from the affiliating bodies. The order also records its satisfaction with regard to Norms and Standards for the teacher education programme such as instructional facilities, infrastructural facilities, financial resources, etc. for running the programme. B

34. After arriving at such a satisfaction, we are of the view that there can be no rational for NCTE or its Regional Committee to deny the recognition from the Academic Year 2021-2022 and insist on recognition for Academic Session 2022-2023. It is not in dispute that the counselling for admission is yet to commence. Insofar as the time-line prescribed in the judgment of this Court in the case of *Maa Vaishno Devi Mahila Mahavidyalaya* (supra) is concerned, this Court itself in catena of orders placed on record has modified the time-line fixed therein. We find that same course needs to be followed in the present matter, particularly, when the delay is not attributable to the petitioners, but, on the contrary to NCTE or its Regional Committees. C

35. We therefore allow the petitions in the following terms: D

- (i) The cut-off date fixed by this Court in *Maa Vaishno Devi Mahila Mahavidyalaya* (supra) is extended in the facts of these cases; E
- (ii) It is held and declared that the petitioners would be entitled to the recognition granted by respective orders passed by NCTE or its Regional Committees from the Academic Session 2021-2022 instead of Academic Session 2022-2023. F

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- A (iii) The Respondent – NCTE and its Regional Committees are directed to issue formal orders/notifications in that regard within a period of three days from today.
 - (iv) The State and other Authorities would consider grant of affiliation and/or other requisite permissions within a period of 15 days from today;
 - B (v) The petitioners would be entitled to admit the students for Academic Session 2021-2022 as per the sanction granted by NCTE for the Academic Session 2022-2023.
 - C (vi) The name of the petitioner-colleges/institutions shall be included in the counselling programme for admissions.
36. The writ petitions are allowed and disposed of in the above terms. Consequently, all pending applications shall stand disposed of.

Nidhi Jain

Writ petitions allowed and disposed of.