

(2018) 09 CHH CK 0271
Chhattisgarh High Court
Case No: WA No. 668 Of 2018

Sarguja University
(Vishwavidyalaya) Ambikapur

APPELLANT

Vs

Margdarshan Sansthan Sikhsha
Mahavidyalaya And Ors

RESPONDENT

Date of Decision: Sept. 17, 2018

Acts Referred:

- National Council for Teacher Education Act, 1993 - Section 14(6)

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Neeraj Choubey, Kshitij Sharma, Bhaskar Payasi

Final Decision: Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard counsel for the University, counsel for NCTE as well as B.Ed. College in question.

2. The University has preferred the appeal against the order dated 19.06.2018 passed by the learned Single Judge in favour of the B.Ed. College

giving a direction upon the concerned Respondents which include the authorities of the NCTE and the present Appellant - the University that they

have an obligation to comply with the mandatory provisions contained in Section 14(6) of the National Council for Teacher Education Act, 1993 and

grant affiliation to the B.Ed. College.

3. The University is in appeal against such a direction on the ground that the Western Regional Committee (WRC) itself has given a direction to carry

out an inspection by constituting a Visiting Team (VT) which will consider issues raised by the University in its inspection report. Leeway was also granted to include a person from the University to join the team for inspection. Therefore, the issue according to him is still alive and the recognition which was initially withdrawn vide order dated 04.12.2017 still subsists.

4. This Court has not only gone through the order of the learned Single Judge which has taken into consideration the legal position which emerges from the Supreme Court decision rendered in the case of Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh and others reported in (2013) 2 SCC 617, but also the decision of the appellate authority of NCTE who set aside the initial order of the Regional Committee withdrawing recognition, to be a decision taken in haste. This decision of the NCTE / appellate authority is dated 06.03.2018.

5. Once the initial decision of the Regional Committee withdrawing recognition was set aside, then the initial recognition granted to the Institution revives. The direction for a fresh inspection etc. will provide the inputs for a future decision, but that cannot be used for keeping things in abeyance or refusing to comply with the direction of the learned Single Judge where grant of recognition is incumbent upon the University and it is not their discretion.

6. The appeal has no merit, it is dismissed. The University authorities would be well advised not to violate the order and the direction of the learned Single Judge, which does not suffer from any infirmity.

7. Before parting, the Court is informed that in the garb of pendency of this appeal, the University / the Appellant has not granted affiliation to the B.Ed. College.

8. Let it be done within a period of 3 days from the date of production of a copy of this order.