

(2021) 09 GAU CK 0027

Gauhati High Court

Case No: Contempt Case (C) No. 316 Of 2020

Biswajit Chakraborty

APPELLANT

Vs

Preetam Saikia And Anr.

RESPONDENT

Date of Decision: Sept. 10, 2021

Acts Referred:

- National Council For Teacher Education Act, 1993 - Section 14

Hon'ble Judges: Achintya Malla Bujor Barua, J

Bench: Single Bench

Advocate: A Deka, K P Pathak

Final Decision: Disposed Of

Judgement

1. Heard Mr. A Deka, learned counsel for the petitioner.Â Also heard Mr. K P Pathak, learned counsel for the respondents contemnors.

2. This contempt petition is instituted on an allegation of willful and deliberate violation of the order dated 19.02.2020 in WP(C) 1175/2020.

3. In the said judgment an issue had arisen as to whether the B.Ed. degree of the petitioner obtained through the Diphu B.Ed. College, Lumding is a valid degree or not.

4. In paragraph 5 of the order dated 19.02.2020 this Court had taken note of the submission of the petitioner that the B.Ed. degree was obtained by

him from an institute which was recognized by the NCTE and therefore, his B.Ed. degree is an acceptable B.Ed. degree under the law and

accordingly there was a requirement to declare the result of his participation in the selection process for the post of Headmaster in the Lumding

Assamese High School.

5. In paragraph 6, the respondents were accordingly directed to verify the claim of the petitioner and if found correct, to declare the result of the petitioner.

6. In response thereof, Mr. K P Pathak, learned counsel for the respondents contemnors has produced an order dated 31.12.2020 of the Director of

Secondary Education, Assam which provides that upon scrutiny of the particulars it was revealed that the petitioner had obtained his B.Ed. degree in

the year 1997 from Diphu B.Ed. College and the Diphu B.Ed. College was recognized by the NCTE on 04.04.2000. On the other hand, the NCTE

Act, 1993 was enacted with effect from August, 1995 and Section 14 thereof provides that every existing institution offering teachers education

course would have to obtain recognition from the Regional Committee of the NCTE with six months of the Act coming in effect.

7. As the petitioner had obtained his B.Ed. degree in the year 1997 and the Diphu B.Ed. College was recognized by the NCTE on 04.04.2000,

therefore, the B.Ed. degree of the petitioner would unacceptable.

8. True, the NCTE Act of 1993 came into effect from August, 1995 and there was also a requirement under the Act that all such existing institutions

would have to apply for the recognition within a period of six months thereof. But a judicial notice had been taken by this Court in the judgment of

Pranita Sarma vs. State of Assam and others in WP(C) 3289/2020 wherein after analyzing the entire facts and circumstance as well as the prevailing

law, a conclusion was arrived at that if any application is made by an institution offering the B.Ed. degree course on or before 18.08.1997, the B.Ed.

degree obtained through such institution would be a valid degree and acceptable in law.

9. The Director while passing the order dated 31.12.2020 had not taken notice of the judgment dated 25.02.2021 in WP(C) 3289/2020.

10. Accordingly, we direct the Director of Secondary Education, Assam to reconsider the matter in the light of the conclusion arrived at in the

judgment of Pranita Sarma vs. State of Assam & others and make a factual verification as to when the application for recognition was made by the

Diphu B.Ed. College. If it was made on or before 18.08.1997 and the institution was in existence when the NCTE Act 1993 came in effect, the B.Ed.

degree obtained through such institution would be a valid degree although the actual recognition of the institution by the NCTE was made on

04.04.2000.

11. The Director to give a fresh consideration and pass an order as indicated above within a period of one month from the date of receipt of certified

copy of the order.

12. The order dated 31.12.2020 of the Director of Secondary Education is kept on record.

12. Contempt petition stands closed in the above terms.