

(2024) 02 DEL CK 0033

Delhi High Court

Case No: Civil Writ Petition No. 962 Of 2024, Civil Miscellaneous Application No. 7696,
7739 Of 2024

School Of Physical Education And
Sports Development, OPJS
University

APPELLANT

Vs

National Council For Teacher
Education & Anr.

RESPONDENT

Date of Decision: Feb. 8, 2024

Acts Referred:

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

Hon'ble Judges: C. Hari Shankar, J

Bench: Single Bench

Advocate: Sanjay Sharawat, Ashok Kumar, Rahul Madan

Final Decision: Allowed

Judgement

C. Hari Shankar, J

1. Mr. Sharawat submits that the present writ petition involves a simple issue in which, though the petitioner was actually recognized by the Northern Regional Committee of the National Council for Teacher Education (NCTE) in its 250th meeting held on 3 March 2016 for the D.P.Ed. course with 100 students with effect from 2016-2017, the NCTE failed to issue a formal recognition order under Section 14 of the NCTE Act. He submits that this is a mere ministerial default of the NCTE, for which the petitioner should not be made to suffer. He points out that, on the footing of the recognition which was admittedly granted by the 250th meeting of the NCTE to the petitioner, the petitioner institution has been conducting D.P.Ed courses without any complaint till date. The faculty recruited for the said course are affiliated by the petitioner as the affiliating body.

2. Mr. Sharawat further points out that, even on the website of the NCTE, in the list of State wise Teacher Education Institutions, if one clicks the "view" link against the State of Rajasthan, the petitioner University figures as one of the recognized universities, at S. No. 733 in respect of its B.Ed, D.El.Ed. and B.A/B.Sc. B.Ed courses, and at S. No. 981 in respect of its D.P.Ed. and B.P. Ed. courses.

3. Mr. Sharawat submits that, oblivious of the fact that the error has occurred at its end, the NCTE has addressed a communication to the Rajasthan Staff Selection Board (RSSB) on 19 October 2023 stating that the petitioner institution is not recognized for the D.P.Ed course. He submits that the matter cannot brook delay as it is resulting in daily prejudice to the petitioner. Several of the students who have undertaken the course, he submits, are now up in arms against the petitioner.

4. None of these facts are disputed by Mr. Rahul Madan, learned Counsel for the NCTE.

5. I do not see how the petitioner can be denied the right to have a formal recognition order issued for its D.P.Ed course.

6. In view of the aforesaid, the writ petition has necessarily to be allowed. The NCTE is directed forthwith to issue a formal recognition order for the D.P.Ed. course of the petitioner with an intake of 100 students with effect from the 2016-2017 academic session. Let the requisite order be issued within a period of one week from today.

7. It is clarified that the petitioner will be treated as a recognized institution for D.P.Ed. with 100 students with effect from 2016-2017.

8. The next date of hearing i.e. 15 February 2024 stands cancelled.

9. The writ petition is allowed accordingly.