

(2012) 10 P&H CK 0191

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 15684 of 2012

Babe Ke College of Education

APPELLANT

Vs

Panjab University, Chandigarh

RESPONDENT

Date of Decision: Oct. 18, 2012

Hon'ble Judges: Ranjit Singh, J

Bench: Single Bench

Advocate: Rajiv Atma Ram, with Mr. Nikhil K. Chopra, for the Appellant; B.L. Gupta, for the Respondent

Judgement

Ranjit Singh, J.

The petitioner is a B.Ed. College set up in Rural area at Village Daudhar, District Moga, Punjab. The College was granted recognition by National Council for Teacher Education (NCTE) for B.Ed. Courses with intake capacity of 100 students. The College was granted affiliation by the Panjab University for total intake capacity of 200 seats in B.Ed. courses. The College is also running ETT courses with intake capacity of 50 seats for which NCTE has also granted recognition. The said course is affiliated with the State Council of Educational Research and Training (SCERT). The College was desirous of starting M.Ed. course for the Session 2009-2010 and College, accordingly, submitted their application to the NCTE for grant of recognition on 25.10.2008. The application was also submitted to the Panjab University for M.Ed. course alongwith extension of affiliation fee of Rs. 2000/-.

2. In response to the application filed by the petitioner-institution, respondent University through its letter dated 24.12.2008 constituted an Inspection Committee. However, no inspection could be done by the University as Letter of Recognition from the NCTE has not been issued. On 18.1.2012, NCTE informed the College that inspection team has been constituted and thereafter the inspection was conducted on 3/4.2.2012. On 25.2.2012, the petitioner informed the University to constitute an Inspection Committee in terms of the request made on 24.12.2008 on the ground that NCTE had conducted its inspection on 3/4.2.2012. The University was,

accordingly, requested for inspection for the purpose of granting affiliation to run the M.Ed. course for Session 2012-2013. Various reminders thereafter were sent on 6.4.2012, 12.4.2012, 19.4.2012, and 28.4.2012 followed by 8.8.2012. The University informed the petitioner through their letter dated 19.4.2012 that temporary affiliation for M.Ed. course for Session 2012-2013 was received late i.e. after due of 10th of January of the following year. The petitioner institution, accordingly, was advised to make a fresh application of academic Session 2013-2014 alongwith the requisite fee of Rs. 2 lacs on or before 1.11.2012, without late fee.

3. The case set up by the petitioner-institution is that NCTE had issued Letter of Intent to the College for M.Ed. course on 3/4.2.2012 and this was, accordingly, brought to the notice of the University, whereas the respondent University directed the petitioner to apply afresh. Finally the recognition was granted by the NCTE on 30.7.2012. The petitioner again submitted a representation. It is stated that Syndicate of the respondent University in its meeting held on 31.1.2012 decided that the last date for submission of application for affiliation of add-on-course to the Panjab University should be made within 21 days after issuance of sanction from the UGC w.e.f. Session 2012-2013. It was pleaded that the Colleges had already applied late for add-on-courses and the Inspection Committee for these Colleges be finalized. The petitioner, accordingly, had approached this Court through the present writ petition.

4. Reply on behalf of the University is filed.

5. In the preliminary submissions, it is pointed out that the impugned orders dated 23.05.2012 and 19.04.2012 were issued by the University requiring/advising the petitioner to make a fresh application for grant of temporary extension of affiliation for M.Ed. Course from the academic Session 2013-2014, due to late receipt of the request for the Session 2012-2013 beyond the cut off date notified by the University under the University Rules. It is also pointed out that Entrance Test for admission to M.Ed. (Regular) Course in the University Department of Education and affiliation Colleges of Education was held on 15.7.2012, the result was declared on 23.7.2012. The last date for submission of on-line admission forms was 5.8.2012 and the counseling was held and admission finalized on 17.8.2012. It is further stated that the teaching has already been commenced w.e.f. 24.8.2012. The University thus has opposed the prayer made in the writ petition. While responding to the request of grant of affiliation to the petitioner-College for academic Session 2013-2014, it is submitted by the respondent-University that the applications submitted way back in 2008 was for academic Session 2009-2010 within the prescribed schedule. The Vice Chancellor then constituted an Inspection Committee to visit the College but in response to this the Principal of the petitioner-college had informed the University that they had applied for grant of recognition of NCTE for M.Ed. course and has yet not been issued the File Code number and letter of intent. Accordingly, it was stated that they were not in position to get the inspection conducted. Subsequently,

through letter dated 10.3.2009 again Inspection Committee was constituted but the Principal of the petitioner-College was not ready to get the inspection conducted. In view of this position, the chapter regarding grant of extension of affiliation for the academic Session 2009-2010 was closed and the application submitted by the petitioner-institution was filed for want of mandatory recognition by the regulatory body.

6. The sole submission advanced by counsel for the petitioner at initial stage was that the application which the petitioner-institution had submitted in the year 2008 could be taken for grant of affiliation for the Session 2012-2013. In reply, stand of the University is that this issue was closed, once the College has shown inability to get inspection conducted on two occasions. Otherwise, counsel for the petitioner then submitted that the petitioner can now be permitted to submit fresh application by charging any late fee.

7. In response, the counsel for the University has invited my attention to the conditions for grant of affiliation to Colleges as is in Chapter VII of the University Calender in the courses like B.A., B.Sc., B.Com, B.Ed., M.A. and M.Sc., B.A., B.Sc. for women. The schedule for submitting application for affiliation is given in the regulation which is as under:-

1. Fee for application to be received upto the last date is prescribed as under:-

(a) 1st October of the preceding year for grant of affiliation, as prescribed in the P.U. Calender (normal fee) and

(b) 1st November of the preceding year for grant of extension of affiliation.

2. For those received after the last date but before 10th January of the following year, a penalty of Rs. 1 Lac (one Lac) be imposed upon the college(s).

8. Thus, the application could be received upto 1st October of the preceding year for grant of affiliation as the normal fee upto 1st November with the preceding year for grant of extension of affiliation. For those received after the last date but before 10th of January of the following year a penalty of Rs. 1 lac is to be imposed upon the Colleges.

9. As per the counsel for the University after 10th of January of the following year no application can be received as there is no provision for receipt of application thus after the last date i.e. 10th of January.

10. Counsel for the respondent made a submission that M.Ed. course can be treated as add on course but was not found impressive and call for interference on that ground. As a last resort, counsel for the petitioner did not make an attempt to show precedent that infact applications were received even after the last date of submission i.e. 10th of January or that the applications which were submitted much earlier like the case of the petitioner was so considered for grant of affiliation for

Session 2012-2013. Such instances as were pointed out by counsel for the petitioners have been answered by counsel for the University saying that there is no such case considered or granted by the University. Apparently, no instance could be pointed out to show that any application was considered for grant of affiliation for Session 2012-2013.

11. Today, learned counsel for the petitioner has placed before me a copy of the minutes of the Syndicate meeting held on 12.8.2007 where a reference is made to resolution condoning the delay for grant of extension of affiliation to DAV College, Sector-10, Chandigarh. As per this resolution the delay and submission of the application for grant of extension of affiliation of 3rd year w.e.f. the Session 2007-2008 for B.P.E. Course in respect of DAV College Sector-10, Chandigarh was condoned imposing a penalty of Rs. 1 lac as was done in the case of Dashmesh Girls College of Education, Badal (Muktsar). There is no indication in the order, if such an application was received after 10th of January of the following year. It is provided in the regulations that application upto 10th of January of the following year can be received with the late fee of Rs. 1 lac. Still if there are some precedents in this regard to the knowledge of the petitioner, the petitioner may represent to the Vice Chancellor of the University who shall consider and pass an appropriate order in accordance with law. The writ petition is, accordingly, disposed of with the above observations.