

(2004) 01 AHC CK 0076

Allahabad High Court

Case No: C.M.W.P. No. 51930 of 2003

Academy of Business
Management and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Jan. 22, 2004

Acts Referred:

- National Council for Teacher Education Act, 1993 - Section 14
- National Council for Teachers Education (Recognition, Norms and Procedure) Regulations, 2009 - Regulation 7

Citation: (2004) 2 AWC 1647 : (2004) 2 UPLBEC 1469

Hon'ble Judges: Vineet Saran, J

Bench: Single Bench

Advocate: S.K. Tyagi, Sujeet Kumar and R.K. Tripathi, for the Appellant; Rajiv Joshi and Anurag Khanna, S.C., for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Vineet Saran, J.

The petitioner institution filed an application dated 14.12.2001 before respondent No. 3, National Council for Teachers Education, (Northern Regional Committee), A-46, Shanti Path, Tilak Nagar, Jaipur, Rajasthan for grant of recognition u/s 14 of the National Council for Teachers Education Act, 1993 (hereinafter referred to as the Act) for running B.Ed, courses for the Session 2002-2003. It has been submitted that no objection certificate had been obtained from Chaudhary Charan Singh University, Meerut on 31.12.2001. However, since the formalities as stipulated under the Act as well as Regulations framed thereunder had not been completed within time for the Session 2002-2003, the said application of the petitioner was forwarded for the Session 2003-2004. Under Regulation 7 of the Regulations framed under the Act the

time limit for making the application has been clearly given. According to the said Regulation the application form as well as all necessary formalities were to be completed on or before 31st December, of the preceding year, i.e., to say in case if the application was made for the Session 2003-2004 the form along with all formalities had to be completed by 31st December, 2002, However, for the session 2003-2004, the said time was extended upto 15th March, 2003.

2. By the impugned order dated 22.5.2003 the respondent No. 3 has intimated to the petitioners that since the copy of the building plan approved by the competent authority and the fixed deposit receipt of Rs. 5 lacs had not been deposited by the petitioners within the stipulated time i.e., upto 15th March, 2003, the application of the petitioners could not be processed, for the Session 2003-2004 and the same was being carried forward for the Session 2004-2005. The petitioners filed appeal against the said order of respondent No. 3 before respondent No. 2 which has been also dismissed vide order dated 28.10.2003. The petitioners have thus filed this writ petition challenging the aforesaid orders and also for a direction to the respondents for granting permission to the petitioners to run and conduct B.Ed, courses for the Session 2003-04.

3. A counter-affidavit has been filed on behalf of respondent Nos. 2, 3 and 4 to which rejoinder-affidavit has also been filed and with the consent of the learned counsel for the parties, this petition is being disposed of at the admission stage.

4. Having heard Sri S.K. Tyagi, learned counsel appearing for the petitioners as well as learned standing counsel appearing for the State-respondents and Sri Rajiv Joshi, learned counsel appearing for the respondents 2, 3 and 4 and on perusal of the record, in my view the petitioners are not entitled to any relief as has been prayed for.

5. The recognition of an institution for a particular course has to be granted by the National Council for Teachers Education in accordance with the Act and Regulations framed thereunder. Regulation 3 clearly provides the manner in which the application has to be filed and under Regulation 7 the time within which the application has to be filed and other formalities to be completed has been provided for. Admittedly, the petitioners have not completed the formalities required by the Regulation within the stipulated time as provided under the said Regulation. The petitioners contend that they had shifted their operations from the rented premises to their own premises of which due intimation had been given to the respondent authorities but still the respondents continued to communicate at the old address and hence they could not be intimated of the deficiencies in their application form within time.

6. Be that as it may, it was also the responsibility of the petitioners institution to complete the formalities and provide all requisite informations and documents to the respondent authorities within the time limit prescribed, regarding which it

cannot be said that they did not have information as the same has been categorically provided for under the Regulations. In paragraph 13 of the counter-affidavit filed by the N.C.T.E. it has been categorically stated that before submitting the form the petitioners had clearly stated that they had gone through and read the Regulations. Even otherwise when the petitioners have filed the application under a particular Act and the Regulation framed thereunder, they are expected to know the formalities that are to be completed and the time limit provided for the same. In the present case strict compliance of the time limit has to be made because recognition for running the courses has to be granted before commencement of the session and now at the close of the session the prayer for granting recognition for the Session 2003-2004 from back date is neither possible nor proper. The impugned order dated 22.5.2003 as well as the appellate order dated 28.10.2003 clearly specify the reasons for which recognition could not be granted for the Session 2003-2004 which are fully justified. In my view no interference is called to in this writ petition.

7. In the end, it was stated at the Bar by the learned counsel for the petitioner that the copy of the building plan as well as requisite documents and fixed deposit receipt have now been filed by the petitioners on 31st December, 2003. If that be so, it is provided that the application of the petitioners for recognition of the courses for the Session 2004-2005 shall be considered by the respondent authorities in accordance with law, as expeditiously as possible.

8. Subject to the aforesaid observations, this writ petition is dismissed without there being any order as to costs.