

(2010) 07 DEL CK 0367

Delhi High Court

Case No: Writ Petition (C) No. 4269 of 2010 and C.M. No. 8465 of 2010

Saraswati College Of Education

APPELLANT

Vs

National Council for Teacher
Education and Another

RESPONDENT

Date of Decision: July 15, 2010

Hon'ble Judges: Rajiv Sahai Endlaw, J

Bench: Single Bench

Advocate: Sanjay Sharawat, for the Appellant; Ravi Sikri, Ayushya Kumar and Vaibhav Kalra, for the Respondent

Final Decision: Allowed

Judgement

Rajiv Sahai Endlaw, J.

The petitioner had applied to the Northern Regional Committee (NRC) of the National Council for Teacher Education (NCTE) for recognition for imparting education for D.Ed. course. The NRC however issued deficiency letter and inspected the Institute and records of the petitioner and ultimately rejected the application of the petitioner, but citing the application for recognition of the petitioner as for B.Ed. and not for D.Ed. It was the case of the petitioner in appeal before the Appeal Committee of NCTE that though it had submitted the application for recognition for D.Ed. course but the said application was pursued and considered by the NRC for B.Ed. course and the reasons given by the NRC for rejecting the recognition for B.Ed. were erroneous.

2. The Appeal Committee sought explanation from the NRC. NRC clarified that the application was submitted for D.Ed. course but processed for B.Ed. course and subsequent correspondence made for B.Ed. course only. The Appeal Committee has held that since the original application was for D.Ed. course, the NRC could not have processed it on its own for B.Ed. course. The Appeal Committee has accordingly vide order impugned in this petition while setting aside the order of the NRC, remanded the matter to NRC for processing the application for D.Ed. course.

3. The counsel for the petitioner contends that though the application was initially filed for D.Ed. course but on oral suggestion of NRC that the petitioner was more suitable for B.Ed. course, the petitioner had orally agreed to have the application treated as for recognition for B.Ed. and accordingly all correspondence thereafter with NRC was in the context of satisfying the recognition criteria for B.Ed. only. It is contended that the order of the Appeal Committee directing the application to be processed for D.Ed. course is erroneous.

4. It is further contended that upon it being suggested to the petitioner by the NRC that it should seek recognition for B.Ed. course the petitioner had upgraded its infrastructure to suit the requirements for B.Ed. course and the petitioner now cannot be compelled to pursue the application for D.Ed. course. He thus contends that the reasons given by the NRC for rejection of the application for B.Ed. course being palpably wrong and the Appeal Committee having failed to deal with the same, this petition should be allowed and the petitioner be recognized for B.Ed. course.

5. The counsel for the petitioner further contends that the application having throughout been processed for B.Ed. course, there is no other factor required to be considered except the reasons given by the NRC for rejection of the application qua B.Ed. course. It is further stated that the Institute and records of the petitioner having been inspected from the point of view of B.Ed. course, no further inspection or processing is required.

6. There is nothing to support the contention of the petitioner that the petitioner had on the oral suggestion of the NRC or on its own converted its application from that for recognition for D.Ed. course to that for recognition for B.Ed. course. The particulars and information required to be mentioned in the application for two different courses must be different. It is thus not clear whether the Visiting Team inspected the Institute and records of the petitioner for B.Ed. course or for D.Ed. course in as much as the application which is presumed to have been considered by the Visiting Team was for D.Ed. course even though in subsequent correspondence the course mentioned was B.Ed. It is well nigh possible that B.Ed. was a typographical error and the intent was not to process for B.Ed. but for D.Ed. The counsel for the petitioner however in this regard relies on the clarification given by NRC in its letter dated 27th April, 2010 stating that the application was processed for B.Ed. course. However from the said explanation also it is not clear whether NRC and the Visiting Team applied the parameters for B.Ed. or D.Ed. and how the same could be applied when the application which was necessary for the case to be processed was for D.Ed.

7. It has been enquired from the counsel for the petitioner whether the petitioner is now interested in recognition for B.Ed. or for D.Ed. course. The counsel states that the petitioner desires recognition for B.Ed. only.

8. In the circumstances, this petition is allowed to the extent that the order of the Appeal Committee impugned in this petition be read as remanding the case to NRC for processing the application of the petitioner for B.Ed. course. Though the counsel for the petitioner has contended that no further inspection and inquiry is required but for the reasons aforesaid, it is clarified that it shall be open to the NRC to, if of the opinion that any material or parameters qua B.Ed. course have not been examined on the earlier occasion, call for and seek the same from the petitioner and the petitioner would remain bound to furnish the same. Similarly, if NRC is of the opinion that the Visiting Team earlier appointed had inspected the infrastructure of the petitioner under any confusion, the NRC shall be entitled to call for a fresh inspection.

9. With the aforesaid directions, the petition is disposed of. No order as to costs. Since the issue of recognition of the petitioner has remained pending for long, the NRC is directed to decide the application as aforesaid within five months of today.

Copy of this order be given dasti to counsel for the parties.