

ITEM NO.38+63

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22623/2009

(From the judgement and order dated 07/01/2009 in WP No. 2701/2008
of The HIGH COURT OF BOMBAY AT NAGPUR)

SHRI SADGURU B.S.MANDL.D.ED.COL.TR.SEC.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With office report) WITH

SLP(C) NO. 22628 of 2009

(With office report)

SLP(C) NO. 22626-22627 of 2009

(With office report)

SLP(C) NO. 22630 of 2009

(With office report)

SLP(C) NO. 22629 of 2009

(With office report)

SLP(C) NO. 22631-22632 of 2009

(With office report)

SLP(C) NO. 22633 of 2009

(With office report)

SLP(C) NO. 22634 of 2009

(With office report)

SLP(C) NO. 22635 of 2009

(With office report)

SLP(C) NO. 22636-22637 of 2009

(With office report)

SLP(C) NO. 28093 of 2009

(With appln.(s) for c/delay in filing SLP and exemption from filing
c/c of the impugned judgment and office report)

SLP(C) NO. 21641-21642 of 2009

(With office report)

SLP(C) NO. 21643-21644 of 2009

(With office report)

Date: 26/07/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr.Mukul Rohatgi, Sr.Adv.

Mr. Abhay Kumar, Adv.

Mr.Tenzing Tsering, Adv.

Mr.Sachin Patel, Adv.

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Ms. Chandan Ramamurthi, Adv.

Mr.Satyajit A.Desai, Adv.

Mr.Rahul N.Ghose, Adv.

Ms. Anagha S.Desai, Adv.

Dr. R.R. Deshpande, Adv.

Mrs.Ujwala R.Deshpande, Adv.

Mr. Sudhanshu S.Choudhari, Adv.

Mr.Kishor Lambat, Adv.

Mr.Deven S.Lambat, Adv.

Mr.S.Rajappa, Adv.

For Respondent(s) Mr.Amitesh Kumar, Adv.
Mr.Ravi Kant, Adv.
Mr. Gopal Singh,Adv.

Mr.K.N.Rai, Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

These petitions are directed against order dated
07.01.2009 passed by the Division Bench of Bombay High
Court, Nagpur Bench whereby a batch of writ petitions was
disposed of in the following terms :-

"The recognitions/permissions granted by the Council pertaining to the State of Maharashtra for establishment of 29th new D.Ed. Colleges/courses as the case may be are hereby quashed and set aside. The WRC, Bhopal shall submit a special report in respect of the pending applications as on 1.10.2007 from the State of Maharashtra (2045 applications as per the Kaul Committee Report to the Council by taking into consideration the recommendations of the State Government as reflected vide its letter dated 30.8.2007. The Council, in turn, will complete the study on the demand and supply of teachers in the primary/higher primary schools in the State of Maharashtra with the assistance of/in collaboration with the Maharashtra State Council for Educational Research and Training at Pune before 30th April

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2009 and place the said study report before the Central Government through the Ministry of Human Resource development as the earliest possible and seek further directions, based on such directions under Section 29 of the NCTE Act to be issued by the Central Government the Council shall take further appropriate steps to deal with such applications as pending on the day the directions are issued by the Central Government, for, the recognitions/permissions for D.Ed. Course in the State of Maharashtra for the academic years 2009-10 onwards."

The petitioners claim to have been granted recognition/permission by the Western Regional Committee of the National Council for Teacher Education (NCTE) for conducting D.Ed. courses. Their primary grievance is that by the impugned order, the High Court has quashed and set aside the recognition/permission granted by the competent authority without impleading them as parties in

the writ petition and without giving them opportunity of hearing. The other grievance of the petitioners' is that in the scheme of the National Council for Teacher Education Act, 1993 (for short, 'the Act'), the State Government does not have any role in the matter of grant of recognition/permission for establishing colleges for teacher education and the High Court committed an error by relying upon the letters written by the Chief Minister and other functionaries of the State.

We have heard Shri Mukul Rohatgi, learned senior counsel and other counsel appearing for the petitioners and carefully perused the record.

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Clauses 6, 7 and 8 of the Recognition Orders issued by the Western Regional Committee of NCTE, which are identical in all the cases read as under :-

"6. The institution shall make admission only after it obtains affiliation from the examining body in terms of clause 8(12) of the NCTE (Recognition Norms & Procedure) Regulations, 2007.

7. The institution shall ensure that the required number of academic staff for conducting the course is always in position.

8. Further, subject to the provision of NCTE Act 1993, the institution shall fulfill all such other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University/Body, the State Government etc. applicable."

The petitioners have not placed any material on the record of these cases to show that they have obtained affiliation from the examining body in terms of Clause 8(12) of the NCTE (Recognition, Norms and Procedure) Regulations, 2007 and have recruited academic staff necessary for conducting the courses. This being the position, we do not find any valid ground or justification to interfere with the impugned order despite the fact that the petitioners were not impleaded as parties in the writ

petition.

We are further of the view that the directions given by the High Court to the Western Regional Committee of NCTE at Bhopal to submit special report to the Council,

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which in turn will complete the study of demand and supply of teachers in the primary and higher primary schools in the State and then further steps will be taken for grant of recognition/permission for D.Ed. Course for the academic year 2009-10 onwards do not suffer from any legal infirmity.

The special leave petitions are accordingly dismissed.

However, it is made clear that this order shall not affect the students who may have been admitted by the petitioner colleges for the Session 2009-2010 pursuant to interim orders passed by this Court.

We also make it clear that this order will not preclude the petitioners from seeking recognition and affiliation in accordance with law. But, at the same time, we direct that till the petitioners comply with the relevant statutory conditions, the State Government or any other competent authority shall not allot students for admission in the petitioner colleges.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master