

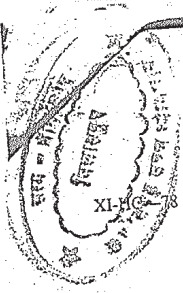
XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर  
WP(C) 4631/2011  
मामला क्रमांक सन् 200

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आदेश पत्रक (पूर्वानुवदध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश  | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अंतिम आदेश   |
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| Amit                               | <p>the NCTE is required to satisfy itself about the adequate finance, qualified staff, laboratory, required for proper functioning of the institution for running the course or training in teacher education, the respondent-NCTE is directed to have inspection and verification and submit a report with regard to the above stated requirements within a period of six weeks. As required, the necessary fee for verification and inspection shall be paid by the petitioner-Colleges within a period of one week.</p> <p>Shri Moorthy, learned Deputy Advocate General appearing for the State further submits that further three days time will be granted to the students to fill up the option form for counselling in respect of the petitioner-Colleges.</p> <p>Certified copy, today.</p> | <p>Sd/-<br/>S.K.Agnihotri<br/>Judge</p> <p>सत्य-प्रतिलिपि<br/>20/07/2011<br/>मुख्य प्रतिलिपिकार<br/>उच्च न्यायालय छत्तीसगढ़<br/>बिलासपुर</p> |





उच्च न्यायालय, छत्तीसगढ़, बिलासपुर  
मामला क्रमांक W.P.(C) 4631 / 2011 सन् 200

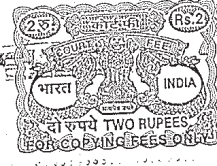
- 5 -  
आदेश पत्रक (पूर्वानुबद्ध)

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|                                 | <p>does not mean that the examining body cannot require compliance with its own requirements in regard to eligibility of candidates for admission to courses or manner of admission of students or other areas falling within the sphere of the State Government and/or the examining body. Even the order of recognition dated 17.7.2000 issued by the NCTE specifically contemplates the need for the institution to comply with and fulfil the requirement of the affiliating body and the State Government, in addition to the condition of NCTE."</p>   |   |
|                                 | <p>As informed by the State counsel that today is the last date of counselling and it is not possible to decide the case today, thus, as an interim measure, it is directed that the respondent-State as well as the respondent-University shall permit counselling of the students for admission to the petitioner-colleges and admission of the students, thereon. However, the petitioner colleges and students shall not claim any preferential right on the basis of the instant interim order passed by this Court. This interim order shall be subject to final decision of these writ petitions.</p> |   |
|                                 | <p>Having regard to the facts situation, when there is a serious question about the qualification of the staff members and other activities, the Supreme Court has held in the above referred case that</p>  |   |

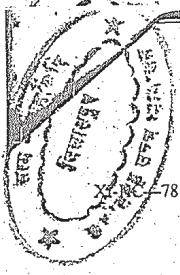
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आदेश पत्रक (पूर्वानुबद्ध)



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|                                 | <p>the institution is required to fulfill all such other requirements as may be prescribed by the other regulatory bodies like UGC, affiliating University Body of the State Government etc.</p> <p>Learned counsel appearing for the respective petitioners heavily rely on a decision of the Supreme Court in <i>Chairman, Bhartia Education Society &amp; Another v. State of Himanchal Pradesh &amp; Others</i> ((2011) 4 SCC 527), wherein the Supreme Court has held as under:</p> <p>"22. Sub-section (6) of Section 14 no doubt mandates every examining body to grant affiliation to the institution on receipt of the order of NCTE granting recognition to such institution. This only means that recognition is a condition precedent for affiliation and that the examining body does not have any discretion to refuse affiliation with reference to any of the factors which have been considered by the NCTE while granting recognition. For example, NCTE is required to satisfy itself about the adequate financial resources, accommodation, accommodation, library, qualified staff, and laboratory required for proper functioning of an institution for a course or training in teacher education. Therefore, when recognition is granted by NCTE, it is implied that NCTE has satisfied itself on those aspects. Consequently, the examining body may not refuse affiliation on the ground that the institution does not have any adequate financial resources, accommodation, library, qualified staff, or laboratory required for proper functioning of the institution. But this</p> |   |



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आदेश पत्रक (पूर्वानुबद्ध)

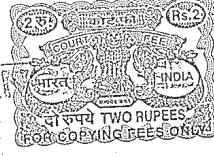
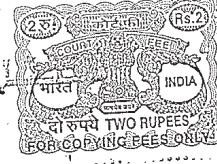
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|                                 | <p>could not have been considered as under second proviso to section 17 of the National Council for Teacher Education Act, 1993, the order withdrawing or refusing recognition passed by the Regional Committee shall come into force only from the end of the academic session next following the date of communication of such order. Since the recognition has been granted, the effect can be given only after the end of the present academic session. Thus, no decision was taken on the letter dated 08.08.2011 sent by the respondent-University.</p> <p>Indisputably, the petitioner-Colleges were duly recognized by the NCTE and affiliation was also granted by the respondent-University for running B.Ed and M.Ed course.</p> <p>According to Shri Shrivastava, when it was found that the petitioner-Colleges have not appointed regular teachers under the provisions of the statute No. 28, till 07.08.2011, and further, the petitioner-Colleges have not submitted documents with regard to refund of the excess fee collected by the petitioner-Colleges, to the students of earlier sessions, the decision to suspend the affiliation was taken on 08.08.2011. Shri Shrivastava relies on clause 8 of the recognition order dated 26/28.08.2008 issued by the NCTE wherein</p> |   |

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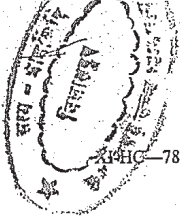
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आदेश पत्रक (पूर्वानुबद्ध)



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|                                 | <p>provisions of the National Council for Teacher Education (Recognition Norms &amp; Procedure) Regulations, 2009 (<i>for short, 'the Regulations, 2009</i>).</p> <p>Shri Shrivastava, learned counsel appearing for the respondent-University submits that before grant of affiliation, it is for the University to ensure that the College is functioning in proper way and is having properly qualified teachers as required under the provisions of the Regulations, 2009. Shri Shrivastava further submits that a letter was sent to the respondent-NCTE on 08.08.2011 pointing out the defects in the petitioner-Colleges, though no decision has been taken by the NCTE. Thus, the affiliation of the petitioner-Colleges has been suspended for B.Ed. and M.Ed courses for the academic sessions 2011-2012, on 08.08.2011.</p> <p>Shri Payasi, learned counsel appearing for the respondent-NCTE submits that the petitioner-Colleges have been duly recognized by the NCTE and once recognition has been granted after examining all the aspects of the matter, nothing is left for the University to examine. So far as the notification and other requirement of the College is concerned, in that respect, the letter dated 08.08.2011</p> |   |





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मामला क्रमांक WP(C) 4631/2011 सम् 200

आदेश पत्रक (पूर्वानुबद्ध)

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| <i>Copy of</i>                  | <p>(S.B: Hon'ble Shri Satish K. Agnihotri, J.)<br/><u>09.09.2011</u></p> <p>Shri Prateek Sharma, Shri Sunil Otwani, Shri Vishnu Koshta, Advocates for the respective petitioners.</p> <p>Shri V.V.S.Moorthy, Deputy Advocate General for the State.</p> <p>Shri Ashish Shrivastava, Advocate for the respondent-Guru Ghasidas University.</p> <p>Shri Bhaskar Payasi, Advocate for the respondent N.C.T.E.</p> <p><u>W.P.(C) No. 4631, 4866, 4890, 4983, 4984 and 4985 of 2011.</u></p> <p>Heard learned counsel for the parties.</p> <p>Learned counsel appearing for the respective petitioners submit that the respondent University has suspended the affiliation granted to the petitioner-Colleges on the ground that the petitioner-Colleges have not appointed regular teachers under the provisions of statute No. 28 till 07.08.2011 and secondly, the petitioner-Colleges have not submitted details of any document in respect of refund of excess fee realized from the students in the last academic session. According to learned counsel for the respective petitioner-Colleges, the petitioners have regular teacher and have satisfied the requirement under the</p> |   |

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Single Bench

**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT  
BILASPUR (C.G.)  
W.P. (C) No. 463 of 2011**

**PETITIONER** : Gram Meduka Krishi Shikshan  
Samiti, through the President, Ajay  
Jaiswal, Pendra Road, Bilaspur,  
District-Bilaspur (C.G.)

**VERSUS**

- RESPONDENTS** :
1. State of Chhattisgarh, through the Secretary, Department of School Education, D.K.S. Bhawan, Raipur (C.G.)
  2. Director, State Council of Educational, Research & Training, Shankar Nagar, Raipur (C.G.)
  3. National Council for Teacher Education, through the Secretary, Wing-II, Hansh Bhawan-I, Bahadur Shah Jafar Marg, New Delhi.
  4. Regional Director National Council for Teacher Education, Western Regional Committee, Manas Bhawan, Shyamala Hills, Bhopal (M.P.)
  5. Guru Ghasidas University, through the Registrar, Koni, District-Bilaspur (C.G.)



P.R. No. 49153/2011  
Presented by Shri. Datta  
dated 11/8/2011



**WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA**

The petitioner named above most respectfully begs to  
submit as under:-

