

Writ Petition No. 15132 of 2012

26/03/2013

Shri Praveen Chourasiya, learned counsel for the petitioner.

Shri Kumaresh Pathak, learned Dy. Advocate General for the respondents No. 1 and 2.

Shri Mahendra Pateriya, learned counsel for the respondent No. 3.

Shri K. K. Singh, learned counsel for the respondent No. 4.

Petitioner vide this petition seeks direction to respondent/University for conducting Special Examination of first year students of B.Ed. Course of the students admitted in the petitioner/Institution in the year 2008-09.

At the outset it is stated on behalf of the parties that the issue which has been raised in this petition as to whether students admitted in petitioner/College in the academic year 2008-09 for B.Ed. would be entitled to take up the examination as the same has been declined for the reason that the students have directly admitted to that colleges without taking recourse to selection through counseling as is the mode prescribed under 3.3 of Appendix 7 of N.C.T.E. Regulation which specifies Norms and Standard for Secondary Teacher Education Leading to Bachelor of Education (B. Ed) Degree has been answered in Writ Petition No. 14932/2010 (Jawaharlal Nehru College vs. Barkatullah University and others) and

batch of connected writ petitions by order dated 31-07-2012 wherein while taking into consideration the decision rendered by the Supreme Court in Adarsh Shiksha Mahavidyalaya and others v. Subhash Rahangdale and others (AIR 2012 SC 1097); and more particularly the direction as contained in paragraph 34 of the report that “The directions contained in the preceding clause shall not be used for dealing with the admissions made for the sessions 2005-2006, 2006-2007 or 2008-2009. The admissions made for those years shall be dealt with by the Western Regional Committee and the concerned examining body in accordance with the relevant statutory provisions.” The petition was disposed of with the following directions :-

“(i) That, the State Government in coordination with Western Regional Committee and respective examining bodies, i.e., Universities, shall take a decision within a period of one month in respect of admissions made for the academic session 2008-09 as to whether the same was in consonance with the Regulations framed by the NCTE and the statutory policy framed by the State Government, if any, and whether the students have been imparted the teaching in accordance with the norms laid down by the NCTE.

(ii) That, after ascertaining the above, and after having satisfied that the students in respective colleges were admitted strictly in accordance with the stipulations laid down vide Regulations framed by NCTE and the Policy of the State Government, if any, and that the students have undergone teaching course as per Norms of the N.C.T.E, the examining body, i.e., respective Universities shall hold special examinations for the students of the

year 2008-09 who are found eligible in pursuance to the enquiry conducted, within a period of 30 days from the date the State Government takes a decision in furtherance to above direction and shall declare the result within a period of 15 days therehence.

It is made clear that the State Government, Western Regional Committee and the examining bodies while examining the cases of respective students who were given admission for the academic session 2008-09 shall strictly examine it in the light of regulations so framed by NCTE and shall not deviate from the same. It is made clear that we have not expressed any opinion in respect of eligibility of the students or that of the institutions, i.e, petitioner Colleges, which has to be looked into by the NCTE, the State Government and the examining body.”

The present petition is also disposed of directing the respondents to abide by the directions issued in Writ Petition No. 14932/2010 (Jawaharlal Nehru College vs. Barkatullah University and others).

The petition is finally disposed of in above terms.

Certified copy as per rules.

(AJIT SINGH)  
JUDGE

(SANJAY YADAV)  
JUDGE