

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.**

CWP No. 3578 of 2021

Decided on: 30.06.2021

Trisha College of Education ...Petitioner
Versus
State of H. P. & Ors. ...Respondents

Coram:

Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.

Whether approved for reporting? ¹ No.

For the Petitioner : Mr. Ramakant Sharma, Advocate.

For the Respondents: Mr. Ashok Sharma, A.G. with Mr. Vinod Thakur, Mr. Shiv Pal Manhans, Mr. Hemanshu Misra, Mr. Vikas Rathore, Addl. A.Gs., Mr. J. S. Guleria and Mr. Bhupinder Thakur, Dy. A.Gs., for respondents-State.

Mr. Vir Bahadur Verma, Advocate, for respondent No. 3.

(Through Video Conferencing)

Tarlok Singh Chauhan, Judge (Oral)

The instant petition has been filed for the grant of following substantive reliefs:-

i) That the petitioner institution may kindly be permitted to fill up the vacant seats of D.El.Ed./JBT courses for the academic Session 2020-2022 from amongst the candidates having qualified entrance test conducted by the Respondent Board, or in the alternative, the Respondent No. 3 Board may kindly be directed to hold the next round of counselling

¹ Whether reporters of the local papers may be allowed to see the judgment? yes

immediately to fill up the vacant seats in the petitioner institute.

ii) That the petitioner institute may also be permitted to fill up the vacant seats remaining unfilled after counselling conducted by the Respondent Board for admission to D.El.Ed./JBT courses in future on merit and as per eligibility conditions as prescribed by the National Council for Teachers Education (NCTE) without insisting upon qualifying of the entrance test conducted by the Respondents in such peculiar circumstances.

iii) That the petitioner institute may also kindly be allowed to fill up 20% to 40% of sanctioned seats for D.El. Ed. Courses as management seats, on merit and as per eligibility conditions as prescribed by the National Council for Teachers Eligibility Education (NCTE) without insisting for qualifying the entrance test conducted by the Respondents in future for admission to D.El.Ed./JBT courses, in such like peculiar circumstances.

2. The respondents have placed on record instructions received from the Department whereby the third respondent has been directed by the government to hold third counselling. This is clearly evident from Item No. 3 of the proceedings of the meeting held on 22.10.2019, relevant portion whereof reads as under:-

Item No. 3: Regarding providing of management quota

The demand regarding providing management quota to the private D.El.Ed. colleges was discussed in length and it was decided that the management quota may be allowed to the extent of 10% but same may be allowed to be filled up amongst the candidates who qualifies the C.E.T. in order to maintain quality.”

3. The decision of the meeting has been duly communicated to the third respondent, vide letter dated 27.12.2019, which reads as under:-

"6. It is with reference to the proceeding on the subject cited above. In this regard, it is informed that Govt. has now decided to stick to the decision taken in the meeting held on 22.10.2019 under the Chairmanship of Hon'ble Education Minister. You are, therefore, requested to conduct third counselling for the private institution after converting the vacant seats of sub category into the main category (e.g. SC-ex-am to SC) but not from one main category to other main category (e.g. SC to General) and to proceed further to fill up the 10% of the total seats from Management Quota amongst the candidates wh have qualified the CET in order to maintain the quality as per the decision taken in the above said meeting (The copy of the proceedings is enclosed for ready reference please)."

4. In the forwarding letter issued to the learned Advocate General, the State Project Director (ISSE) i.e. respondent No. 4, has clearly stated that as per the NCT norms 80% classes are mandatory and the classes for 1st year of the course have commenced w.e.f. January, 2021, therefore, it shall not be possible for new trainees to complete the required number of classes. It has also been stated that the meeting was held under the Chairmanship of the Education Minister on 22.10.219, regarding filling up of the seats in privately managed institutions and accordingly the Secretary Board of School

Education has been requested to implement the decision taken in the meeting vide letter dated 27.12.2019.

5. Now, that the respondents themselves have decided to hold the third round of counselling, therefore, the grievance of the petitioner stands redressed for the time being. However, it is made clear that in case even after third round of counselling certain seats remain unfilled, then, it shall always be open for the institution(s) to approach the authority(ies) concerned for holding the fourth round of counselling and the same shall be held if permissible under the law/rules etc. However, before parting, we expect the respondent No. 3 to hold the third round of counselling as expeditiously as possible.

The petition stands disposed of in the aforesaid terms, so also pending application, if any.

**(Tarlok Singh Chauhan)
Judge**

**(Chander Bhusan Barowalia)
30th June, 2021 (TM/sanjeev)
Judge**