IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

S.B CIVIL MISC. STAY APPLICATION NO. \_\_\_\_\_ OF 2013

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S.B.CIVIL WRIT PETITION NO. 6237 OF 2013

Smt. Jyanki Devi Teacher Training College, through its Chairman Ramgopal Jangir S/o Shri Bhagirath Mal Jangir aged about 51 years Village & Post Doomra, Tehsil Nawalgarh, Jhunjhunu

....Petitioner

#### Versus

The State of Rajasthan through its Education Secretary, Department of Higher Education, Government of Rajasthan, Jaipur Secretariat, Jaipur

The University of Rajasthan through it's Vice Chancellor, University of Rajasthan, J.L.N. Marg, Jaipur-302004 (Raj.)

The Controller of Examination, University of Rajasthan, J.L.N. Marg, Jaipur-302004 (Raj.)

Northern Regional Committee, National Council for Teacher Education through its Regional Director, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur, 302005.

H. DHAKA

JATH COMMISSIONER

Rej. High Court Bench Jepus

..... Respondents

स्थार केवीन साँगीते सिर्मार प्राद्धीय तम्बासके का सिर्मार हरणाहा /स्वर्य आ प्राप्त : श्राप्त : श्राप : श्रा : श्राप : श्राप : श्राप : श्रा : श्राप : श्राप : श्राप : श्रा

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# IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

## D.B.CIVIL WRIT PETITION (CW) NO. 6237/2014.

#### PETITIONER:

Smt.Jyanki Devi Teacher Training College, through its Chairman Ramgopal Jangir S/o Shri Bhagirath Mal Jangir aged about 51 years Village & Post Doomra, Tehsil Nawalgarh, Jhunjhunu

#### **VERSUS**

#### RESPONDENTS:



The State of Rajasthan through its Education Secretary, Department of Higher Education, Government of Rajasthan, Jaipur Secretariat, Jaipur.

The University of Rajasthan through its Vice Chancellor, University of Rajasthan, J.L.N.Marg, Jaipur-302004 (Raj.)

त्रितिलिप J.L.N.Marg, Jaipur-302004 (Raj.)

A: Morthern Regional Committee, National Council for Teacher Education through its Regional Director, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur 302005.

#### REPORTABLE

Date of Order : 02.09.2016

### HON'BLE MR.JUSTICE AJAY RASTOGI HON'BLE MR.JUSTICE JAINENDRA KUMAR RANKA

Mr.M.S.RAGHAV, Counsel for petitioner.
Mr.R.A.KATTA, Counsel for University of Rajasthan.
Mr.INDERJEET SINGH, Additional Advocate General for State.
Mr.SAMEER SHARMA, Counsel on behalf of
Mrs.SUMATI BISHNOI, Counsel for respondents.

#### ORDER

The controversy in the present matter is that there was a withdrawal of recognition by the National Council for Teacher Education (NCTE) vide its order dt.05.11.2012 and there was an ongoing litigation at the instance of the Institution impleading the State of Rajasthan, NRC-NCTE and University of Rajasthan as party

respondents and under interim orders of the court, 26 students were inducted by the College in the Academic Session 2013-14 in the month of March, 2014, although the Academic Session 2013-14 commenced in the month of August, 2013 and within four months of the study, despite the minimum requirement that one has to study for minimum 200 days, as per the norms laid down by the NRC-NCTE, which evidently could not be possible but under the interim order of the court dt.07.07.2014, the students of the Institution of B.Ed. Course for the Academic Session 2013-14 appeared in the written examination.

In the writ petition filed at the instance of the Institution and so also by students, as they were admitted to appear in the written examination under orders of the court but their result was withheld and counsel placed reliance on the judgment of another coordinate Single Bench of this Court in **Bright Future Teacher Training & Ors.** Vs. State of Raj. & Ors. reported in 2009(2) WLC (Raj.)

note of the facts & proposition was not conceivable to accept the contention advanced and referred the matter to be heard by the Division Bench of this Court vide its order dt.20.04.2015.

365 to declare their result.

The office in compliance thereof, placed the matter before the Division Bench and when the matter was examined by us, we find that it is an on-going litigation as there is no prescribed calendar available regarding admission to B.Ed. Course either by the Government or by any other agency, which has to be followed for holding examination, declaration of result & admission to B.Ed.

Course & we were of the view that it is need of the hour that a joint Committee be constituted of all the agencies to examine and after the matter being heard and taking note of the submissions made, this court vide order dt.05.02.2016 constituted a Committee of the Principal Secretary, Department of Higher Education, Regional Director of NRC-NCTE & Registrar, University of Rajasthan and requested them to deliberate and come out with a concrete proposal and prescribe a calendar which is to be followed for various activities for session of B.Ed. Programme in Rajasthan.

Pursuant thereto, the Committee held its meeting and draft Schedule was placed for our perusal and that was taken note of by this court in its order dt.14.07.2016. However, in our order dt.03.08.2016, we requested the Committee to take into consideration the Schedule which has been laid down by the Apex Court in the judgment reported in (2013) 2 SCC 617 and for the ensuing academic sessions what should be the prescribed calendar which is to be followed may be placed for our perusal.

We would like to record the note of our appreciation that the Committee, constituted under orders of this court, took great pains and after their detailed deliberation earlier placed before us the sprovisionals annual calendar of activities for session of B.Ed.

Programme and taking note of further proceedings, a final annual calendar of activities for session of B.Ed. Programme, after their due deliberations have been prepared and signed by all the three Officers of the respective agencies i.e. Additional Chief Secretary, High Education, Government of Rajasthan, Regional Director, NRC-NCTE, Jaipur and Registrar, University of Rajasthan, Jaipur and we

can further take note of the fact that a calendar has been jointly suggested by the respective agencies to be in conformity with the calendar proposed by the Apex Court in the judgment referred to supra, copy of which has been placed on record for perusal, duly signed by all the three respective agencies.

After the final consensus being arrived at between the State Government, NRC-NCTE, Jaipur & University of Rajasthan, Jaipur, all the three agencies being involved in examining the applications for ensuing academic session of B.Ed. Programme & we consider it appropriate to refer the schedule/calendar of activities for session of B.Ed. Programme, which has been recommended by the Committee, constituted under orders of this court, which read ad infra:-

Activity Action to be Deadline (up

	LAAT ING FL	
Taking decision regarding policy for I granting NOC (for new institutions/ additional courses/ additional intake/ I shifting of premises/closure etc) for teacher education colleges/courses. This will be the basis of recommendations/ NOC of State Govt. as required in the sub-regulation 5 of regulation 7 of NCTE Regulations, 2014.  Communicating policy to NCTE/ affiliating universities and uploading policy decision on website of Higher Education Department for benefit of investors,  If a decision to impose ban on any course is to be taken then the ban will mol apply on pending applications with NCTE/NRC-NCTE. However, no new applications to be invited by NCTE/NRC-NCTE.  NCTE/NRC-NCTE not to allow change in location/type of college in later years if the State recommendation is given for exclusive area or specific nature of colleges (e.g. If State Govt. has allowed opening of colleges in a tehsil deprived of teacher-education college it should not be allowed to shift its premises to locations where ban is imposed; if only women college has	of Higher	(X year)  (for applications to be invited by NCTE from 1st March for next session as per regulation 5(5) of Regulations, 2014)

			nended then	-5- it should not be	In.	
	2 Inviti inviti colle per Regu For t	ations ing on ges/nev the re lations he Stat e invit	by NCTE/N line applical v courses/incr egulation 5( , 2014. te of Rajastha	RC-NCTE for tions for new rease in seats as 5) of NCTE an, applications compliance of	NCTE	1st March to 31st May as per the regulation 5(5) of NCTE Regulations, 2014
	Appl affili provi	ication: ating b	s to apply ody (State un of regulat	for NOC of iversity) as per ion 5(3) of		Without late fee: 15th May or 15 days prior to last date of applying (whichever is later)
ì						With late fee: 7 days prior to last date of applying to NCTE
	unive State	ersities, Govt	according to	by affiliating policy of the conditions of of affiliation.	Universities	31st May (last date of filing applications)
70 — 34	by N	IRC-N		of applications regulation 7 of		
1 1 1 T	preso any, subm Preso made Depa High	other and the continued of the continued	format with annexure including application to community of application por collection por contraction por contraction por contraction por contraction por contraction contract	tate Govt. on a requisite fee, if uding proof of o NRC-NCTE. lication shall be website of ge Education/tal and shall in whether the	bodies/ Institution	Without late fee: 30th June or within one month of last date of receiving applications by NCTE.  With late fee: 15th
			alfills conditi Government's	ons mentioned spolicy.		July (or within 45 days of last date of receiving applications by NCTE).
कारती च किसी स्थारती च किसी संक्ष्मण उच्च न्या	न्यायिक Gow	t. for it	ts recommen	icate with State dations on new gulation 7(5 &		30 <sup>th</sup> June
quy.	on the sent to be veriful qualities.	ne basis by the e carri ication ification ied by	of its policy NRC-NCTE ed out by S of n of teachers y VT of	commendations on applications (no inspection State Govt. for infrastructure/ which is to be NCTE as per ulations, 2014)		30th September
~				odal agency/ university) for		15th Dec

		Entrance examination by the State Government.	Education	<b>,</b>
	7	Submission of applications by Institutions of University for renewal of affiliation (existing institutions).	Sponsoring bodies/ Institution	Without late fee: 31st December With late fee: 15th Jan (X+1 Year)
	8	Granting recognition to new colleges by NCTE as per regulation 7 & 8 (on the basis of recommendation & policy of State Govt (regulation 7(5)); report of the visiting team constituted as per regulation 7(7) etc after satisfying itself that the institution fulfills all the conditions prescribed by the National Council under the Act, rules or regulations, including, the norms and standards laid down for the relevant teacher education programmes (regulation 7(10)).		03 March (X+1 Year)
	9	Submission of applications by Institutions to University for new affiliation		10 March (X+1 Year)
	10	Submission of recognition letters received by institutions to State Government (new/fresh/restoration)	bodies/	10 March (X+1 Year)
	11	Issuance of NOC/list of colleges (with seats) by State Government for affiliating universities and coordinating agency for admissions on the basis of policy of State Govt. (not to be based on field inspection but on the basis of State policy applied on application of the sponsoring body/institution).	of Higher Education	30 March (X+1 Year)
	2	session and to give due publicity by providing details of publication of notice inviting applications for admissions, last date of receipt of applications for admissions, date of selection test/interview, date of	agency/ Affiliating Universities	01 May (X+1 Year)
हता तो अन्य न्य लाकस्थान जन्म न्य	त गा। बाजव	publication of 1st, 2nd, 3nd, list of candidates and last date of closure of atomissions ( as per regulation 11 of NCTE, 2014)		
	13	Decision on application for affiliation and issuance of affiliation letter to eligible institutions by the concerned university as per regulation 8(10) of 2014 (i) affiliating bodies to carry out inspection only for criteria/norms not already inspected by visiting team of NCTE or as per provisions of its	universities	10th May (X+1 Year)
<b>F</b>		Act/affiliating rules (ii) renewal of affiliation to be done one the basis NOC		

		issued by State Govt earlier, if not withdrawn by State Govt/NCTE; no renewal/extension of NOC to be issued by State)		
	14	Conveying list of affiliated colleges (with no. of seats for each course) to admission agency & NRC-NCTE.		15 <sup>th</sup> May (X+1 Year)
	15	Entrance test for B.Ed. Programmes	Admission agencies	15 <sup>th</sup> May (X+1 Year)
	16	Declaration of results of entrance tests for B.Ed. Programmes	Admission agencies	25th May (X+1 Year)
	17	Affiliating universities to declare results of eligibility examinations	Affiliating universities	Prior to beginning of counselling
1	18	Last date of Counselling	Admission agencies	30 July (X+1 Year)
	19	Commencement of Academic Session for teacher education programmes	Admission agencies & affiliating universities	01 August (X+1 Year)
	200	End of Academic session (to ensure 200 teaching days as per the NCTE Regulations, 2014; No. of Teaching days for various months for session 2016-17 are given in annexure-1)	universities	07.05.2018 (X+2 Year)
	21	Completion of annual examination	Affiliating universities	30th May (X+2 Year)
5879	हु-प र ना	Declaration of result of annual examination	Affiliating universities	07th July (X+2 Year)
शावस्थान उन्द नि	वासव	115.		

Programme, placed for our perusal, teaching days in Academic Session 2016-17 has been enclosed as Annexure-1 and it would be appropriate to quote the Teaching days in Academic Session 2016-17, which reads ad infra:-

"Teaching days in Session 2016-17 (Annexure-1)

S.No.	Month	Days in month	Sundays and other holidays	Teaching days	Cumulative teaching days from 01.08.2016
1	July 2016	\$31 pm	(5+)	Q (25	
2	August	31	4+3	24	24

12 23 3		A	18 1 1 1		
3	September	30	4+1	25	49
.4	October	Day.	5+10 (inc. Dashera Breaks)	16/	65
5	November	30	4+2	24	89
6	December	31	4+7 (inc. winter break)	20	109
7.)	January 2017	31	5+2	24	133
8	February 2017	28	4+1	23	156
9	March 2017	31	4+3	24	180
10	April 2017	30	5+1	24	204
11	May 2017	31	4+0	27	231
12	June	30	4+1	25	256
1	Total	365	84	281	

(Bold letters: Holidays other than Sunday tentative assigned for year 2017. In next session approximately same no. of days will be available)

We consider it appropriate to direct all the three agencies i.e.

State of Rajasthan, NRC-NCTE & University of Rajasthan to follow the calendar of activities of B.Ed. Programme strictly without any deviation and as regards the teaching days, as proposed by the Committee, is concerned, we leave it open, since there might be change in the teaching days looking to the requirement of the particular Academic Session but it is expected that the teaching days as being proposed by the Committee, may be adhered to as possible.

We accordingly, direct the State of Rajasthan, NRC-NCTE, Jaipur & University of Rajasthan, Jaipur to strictly follow the Schedule/Calendar of activities for the session of B.Ed. Programme and any deviation from it will not be permissible and if any, exigency arises in future, either party is at liberty to move an application to this court seeking clarification/modification, if required.

Copy of this order be sent to all the three agencies for

necessary compliance and to place the schedule & teaching days, as indicated, on their respective websites for necessary information to all.

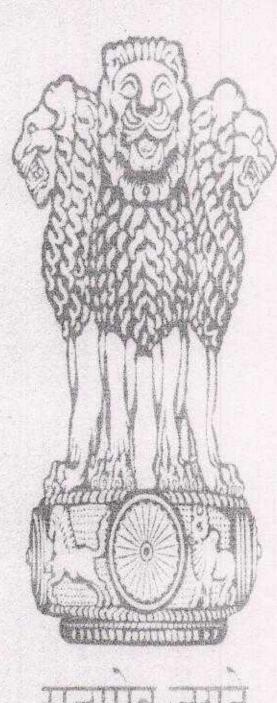
Office to proceed.

(JAINENDRA KUMÁR RANKA),J.

(AJAY RASTOGI),J.

Solariti DS, P.S





सत्यम्य ज्ञावत



No 15281 (38 only)

Dets

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> ज्यासम्बक्त अधिकाशी न्यादिक ानस्थान जञ्च समयालय पीक अयपुर