

NCTE-RegI011/166/2017-US (Regulation Section)-HQ

196186-218 Dated:06.01.2021

To,

The Chief Secretary  
All State / UT Govt. (as per list)

**Subject: Validity of the D.El.Ed (ODL) programme conducted by NIOS for training of untrained in-service elementary teachers: Reg**

Sir,

I am directed to refer to Ministry of Education Letter no. F.No11-28/2020-15.14 wherein the following has been mentioned:-


"1. The verdict of Hon'ble High Court of Bihar letter dated 16.11.2020 received from Uttarakhand NIOS D.El.Ed, TET Teacher Association on the subject mentioned above (copy enclosed). It has been requested that teachers of Uttarakhand who have completed D.El.Ed course from NIOS (ODL mode) may be made eligible to apply for new vacancies declared by the State in line of State of Bihar.

2. It would be pertinent to mention here that High Court of Bihar in C.W.J.C. No. 19842 of 2019 has ruled vide its order dated 21.02.2020 that the NIOS D.El.Ed (ODL) cleared teachers working in Government/ Government aided/ Private unaided Schools shall be allowed to apply for appointment as elementary teachers training degree D.El.Ed be considered as recognized degree for the same. Further, this Department and NCTE accepted this decision of Hon'ble High Court and decided not to file any appeal against this decision.

3. Therefore, in this backdrop, it is requested to issue a clarification to all states and UTs those candidates who have completed the D.El.Ed course of NIOS (ODL mode) may be given opportunity to apply for fresh recruitment at par with the other D.El.Ed candidates subject to adherence to all the other criteria and qualification requirements, such as passing of TET etc.. as per the NCTE notification dated 23.08.2010 (as amended from time to time) and any other as mandated by the State. This would avoid unnecessary future references/court cases on this issue. A copy of the clarification issued may also be forwarded to this Ministry".

Keeping in view of above it has been clarified that the NCTE has already decided to accept the verdict of the Hon'ble Patna High Court in the case of Sanjay Kumar Yadav & Ors, Vs the State of Bihar & Ors ( Civil Writ Jurisdiction Case No. 19842 of 2019). Therefore you are request to consider all those candidate who have completed the D.El.Ed course of NIOS (ODL mode) and may be given opportunity to apply for fresh recruitment at par with the other D.El.Ed candidates subject to adherence to all the other criteria and qualification requirements, such as passing of TET etc.. as per the NCTE notification dated 23.08.2010 (as amended from time to time) and any other as mandated by the State.

Yours faithfully

  
(Shri T. Pritam Singh)  
Deputy Secretary

Copy to: Shri Ashok Giri , Under Secretary, Ministry of Education, Shastri Bhavan , New Delhi.