

*Before M.M. Kumar & Jaswant Singh, JJ*

**HAKIM KISHORI LAL COLLEGE OF  
EDUCATION,—Petitioner**

*versus*

**UNION OF INDIA AND OTHERS,—Respondents**

C.W.P. No. 7974 of 2008

13th August, 2009

*Constitution of India, 1950—Art. 226—National Council for Teacher Education Act, 1993—Ss.3 & 12—National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2007—Reg.8(3) & (4)—Enhancement of seats of intake in teacher education courses—Petitioner applying for increasing intake of B.Ed seats—Petitioner not fulfilling provisions of 2007 Regulations—Delhi High Court passing orders in favour of similarly situated institutions—Petitions allowed, respondents directed to process applications of petitioners for approval for intake of one additional unit for B.Ed course.*

*Held*, that Regulation 8(3) and 8(4) which were incorporated in the 2005 Regulations were withdrawn by the 2006 Regulations and again re-inserted in the 2007 Regulations. The grant of recognition of B.Ed course of one year during with an annual intake of 100 (One Unit) to the petitioner Society was accorded on 10th August, 2006 for the academic session 2006-2007 by the Northern Regional Committee of NCTE. At the relevant time when the initial approval was granted to the petitioner Society, the 2006 Regulations (notified,—*vide* notification dated 20th July, 2006) were in force and the condition prescribed in Regulation 8(3) and 8(4) of the 2005 Regulations were not applicable.

(Para 24)

*Further held*, that the impugned communications in each of these petitions are hereby quashed. Respondents No. 2 and 3 shall not insist upon the eligibility criteria of having three academic sessions as also the requirement of having accreditation with National Assessment and Accreditation Council

NAAC as contemplated in Regulations 8(3) and 8(4) of the 2007 Regulations. They shall process the applications of the petitioners for approval for intake of one additional unit for the B.Ed course filed for the academic year 2008-2009 strictly in accordance with the other Regulations as expeditiously as possible.

(Para 35)

Sanjay Majithia, Senior Advocate, with

Jashanpreet Singh Gill, Advocate, *for the petitioner.*

*None for respondent No. 1.*

Vinod S. Bhardwaj, Advocate, *for respondent Nos. 2 and 3.*

Piyush Kant Jain, Additional AG, Punjab, *for respondent No. 4.*

*None for respondent No. 5.*

**M.M. KUMAR, J :**

(1) This order shall dispose of C.W.P. Nos. 728 and 7974 of 2008 as common question of law and facts are involved. However, the facts are being referred from C.W.P. No. 7974 of 2008.

(2) This petition filed under Article 226 of the Constitution challenges the vires of the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2007 (for brevity, 'the 2007 Regulations'), as notified by the National Council for Teacher Education [for brevity, 'NCTE' being violative of Article 14 and 16 of the Constitution (P-11)]. A further prayer has been made for quashing order dated 18th February, 2008, passed by the Regional Director of 'NCTE', whereby the application of the petitioner for grant of recognition for additional intake in Teachers Education Course already recognised by 'NCTE', has still further been returned with the advise to apply afresh in accordance with the provisions of the Regulations of 'NCTE' dated 27th November, 2007 (P-13). Still further it has been prayed that the respondents be directed to accept the applicaton of the petitioner for additional intake in the Teacher Education Course by allotting 100 seats (one unit).

(3) Facts of the case may first be noticed. With a view to achieve planned and coordinated development of the teacher education system throughout the country, the National Council for Teacher Education Act, 1993 (for brevity, 'the Act') was enacted which came into force on 1st July, 1995 i.e. the date of its notification in the official gazette.

(4) A brief survey of the Act would be useful to provide backdrop to the controversy in hand. Section 3 of the Act contemplates establishment of a council to be called 'the National Council for Teacher Education' ('NCTE'). Section 12 of the Act deals with functions of 'NCTE' and sub-clause (f) stipulates for laying down guidelines for compliance by recognised institutions, for starting new courses or training, and for providing physical and instructional facilities, staffing pattern and staff qualification. Section 13 of the Act makes provision for inspection by 'NCTE' for the purpose of ascertaining whether the recognised institutions are functioning in accordance with the norms prescribed by and the provisions of the said Act.

(5) Section 14 of the Act relates to recognition of institutions offering course or training in Teacher Education. As per sub-section (1) of Section 14 every institution offering or intending to offer a course or training in teacher education on or after the appointed day, is required to make an application to the concerned Regional Committee of 'NCTE' for grant of recognition under the Act. It is relevant to notice here that 17th August, 1995 has been fixed as 'the appointed day'.

(6) The Act also brings transparency in the working of 'NCTE'. As per Section 15 of the Act, a recognised institution, which intends to start any new course or training in teacher education, is also required to make an application seeking permission from the concerned Regional Committee of 'NCTE'. Sub-section (4) of Section 15 of the Act further contemplates that every order granting or refusing permission to a recognised institution for a new course or training in teacher education is required to be mandatorily published in the official Gazette and communicated in writing for appropriate action to such recognised institution and to the concerned examining body, the local authority, the State Government and the Central Government.

(7) Section 16 of the Act creates a bar for the affiliating body to grant affiliation or to hold examination for a course or training to any recognized institution unless such an institution has obtained permission to conduct such a course from the concerned Regional Committee of 'NCTE' under Section 14 of the Act.

REGULATIONS 8(3) &(4) AND TWO CONDITIONS FOR ENHANCEMENT OF INTAKE.

(8) On 27th December, 2005 NCTE notified the National Council for Teacher Education (Recognition Norms & Procedure) Regulations, 2005 (for brevity, 'the 2005 Regulations') prescribing various provisions including eligibility, manner of making application and time limit, processing of applications, conditions for grant of recognition etc. etc. (P-4A). Regulation 8 of the 2005 Regulations laid down elaborate conditions for grant of recognition. As per sub-regulation (3) of Regulation 8 of the 2005 Regulations an institution was entitled to apply for enhancement of seats of intake in teacher education courses already approved, after completion of three academic sessions of running the respective courses. Sub-regulation (4) of Regulation 8 of the 2005 Regulations, further postulatesentails that an institution would be permitted to apply for enhancement of intake in Secondary Teacher Education Programme—B.Ed. & B.P. Ed., if it has accredited itself with the National Assessment and Accreditation Council (for brevity, 'NAAC') with a letter Grade B developed by NAAC.

Deletion of Regulation 8(3) and (4)

(9) On 20th July, 2006 (P-5), NTCE issued another notification notifying the National Council for Teacher Education (Recognition Norms & Procedure) (Amendment) Regulations, 2006 (for brevity, 'the 2006 Regulations') whereby the aforementioned sub-regulation (3) and (4) of Regulation 8 of the 2005 Regulations were deleted. However, the same conditions were re-introduced by sub-regulations (3) and (4) of Regulation 8 of 2007 Regulations.

(10) The petitioner Society being eligible applied for grant of recognition of B.Ed Course under Section 14(1) of the Act. On 10th August, 2006, the Regional Director of the Northern Regional Committee of 'NCTE' accorded recognition to the petitioner Society under Section 14(3)(a) of the Act to conduct B.Ed. Course of one year duration with an annual intake of 100 (One Unit) for the academic session 2006-2007, subject to fulfilment of certain conditions (P-2).

(11) After conducting an inspection by a committee of the Panjab University, Chandigarh, on 11th August, 2006 provisional affiliation was also

granted to the petitioner Society by the Panjab University respondent No. 5 to conduct B.Ed. Course with an intake of 100 seats for the session 2006-07 (P-3). On 19th July, 2007, the Panjab University further granted provisional extension of affiliation to the petitioner Society and other colleges for the academic session 2007-08 (P-4).

(12) The petitioner is a Charitable Society of Mandi Guru Har Sahai, District Ferozepur and duly registered with the Registrar of Firms and Societies, Punjab, Chandigarh since 9th January, 1996. The petitioner Society is running a Nursing College and one College of Education, namely, H.K.L. College of Education, Guru Harsahai.

(13) The petitioner Society decided to increase the intake of B.Ed. seats from 100 to 200 for the academic session 2008-09. On 27th October, 2007, the petitioner Society submitted its application to the Panjab University, respondent No. 5 along with Demand Draft of Rs. 50,000 (P-6 & P-7). On 6th November, 2007, the petitioner Society sent another Demand Draft of Rs. 2,000 towards fee of increase in intake (P-8 & P-9). It is claimed that the petitioner Society also got prepared two Demand Drafts of Rs. 40,000 each, dated 26th December, 2007, in favour of Member Secretary, NCTE and FDR of Rs. 50,000, dated 27th December, 2007, and sent the same to the Regional Director, NCTE-respondent No. 3 on 27th December, 2007 with a request for enhancement of 100 intake seats in B.Ed. (P-10).

(14) In the meanwhile, 'NCTE' issued a notification, dated 27th November, 2007, which was published in the official Gazette on 10th December, 2007. Through the said notification, NCTE has notified the 2007 Regulations. As per sub-regulation (4) of Regulation 5 of the 2007 Regulations the cut-off date for submission of an application to the concerned Regional Committee of 'NCTE', has been prescribed as 31st October, of the preceding year to the academic session for which recognition is to be sought. Sub-regulation (5) of Regulation 5 of the 2007 Regulations further stipulated that all complete applications received on or before 31st October, of the year would be processed for the next academic session and final decision would be communicated by 15th May of the succeeding year. As per sub-regulation (1) of Regulation 7 of the 2007 Regulations it is incumbent for the office of the concerned Regional Committee to point out the deficiency within 30 days from the receipt of the application, which the applicants could

remove within 90 days. The conditions for grant of recognition which were withdrawn by notification, dated 20th July, 2006 (P-5) were re-enforced (P-11). Regulation 11 of the 2007 Regulations gives power to relax the provisions of the Regulations to the Chairperson of NCTE in exceptional cases. However, while exercising such power reasons are required to be recorded in writing.

(15) On 18th February, 2008, the Regional Director NCTE-respondent No. 3 after referring to sub-regulations (3) & (4) of Regulation 8 of the 2007 Regulations returned the application of the petitioner Society for additional intake on the ground that the petitioner Society does not fulfil the said provisions. It has been advised to apply afresh in accordance with the provisions of the 2007 Regulations (P-13).

(16) It is claimed that on 23rd February, 2008, the petitioner represented to the Secretary to Government of Punjab, Department of Higher Education-respondent No. 4 to recommend to the Chairman, NCTE, New Delhi, for relaxing regulations 5(4) and 8(4) of the 2007 Regulations and consider the case of the petitioner Society for additional intake of students of B.Ed. course for the academic session 2008-09. The said representation was also endorsed to the Chairman NCTE (P-14).

(17) The Syndicate of the Panjab University-respondent No. 5 in its meeting held on 23rd March, 2008, decided to grant provisional extension of affiliation to the petitioner Society in respect of B.Ed. (1 unit) for the session 2008-09 being matter of continuation of affiliation. However, in respect of B.Ed. (2 Unit) it was to be decided after approval by 'NCTE' (P-15).

(18) On 15th April, 2008, the Deputy Director (Colleges), Punjab also recommended to the Principal Secretary to Government of Punjab, Higher Education Department to take up the matter with the NCTE for grant of additional intake in favour of the petitioner Society (P-16).

(19) It is alleged that policy of pick and choose has been adopted by 'NCTE' while considering the applications for grant of recognition/additional intake of seats. The Regional Director NCTE-respondent No. 3 is having jurisdiction over the States of Delhi, Haryana, Punjab, Chandigarh, Himchal Pradesh and Rajasthan for the purpose of grant of recognition to

various new courses as also for grant of additional intake of seats to various courses. It has been asserted that 50 applications in all were returned,— *vide* order dated 18th February, 2008 (P-13). However, none of them belonged the State of Rajasthan. The petitioner Society has also placed on record a list of 15 applicants belonging to the State of Rajasthan (P-17) who have applied for additional intake of seats for B.Ed./B.P.Ed. on or after 11th November, 2007, but there is no mention of such applicants in the order dated 18th February, 2008. The petitioner Society also sent a legal notice dated 11th April, 2008 to the respondents. (P-18).

(20) Respondents No. 2 and 3 who the contesting respondents have filed the written statement, whereas no reply on behalf of other respondents has been filed. After reproduction of various provisions of the Act, 2005, 2006 and 2007 Regulations, it has been submitted that the 'NCTE' has taken a conscious policy decision that at the initial stage or subsequently for additional intake in B.Ed. course only one unit consisting of 100 students would be permitted by the concerned Regional Committee, which cannot be termed as unreasonable or arbitrary. The 'NCTE' has framed the Regulations from time to time in exercise of powers conferred by Section 32 of the Act, which is statutory in nature having binding force. It has also been pointed out that the petitioner Society has been granted additional intake,— *vide* order dated 8th August, 2007 by the NRC, Jaipur, and, thus, it is required to be accredited with the National Assessment and Accreditation Council (NAAC) with a letter Grade B under the view grading system developed by NAAC before 1st April, 2010 failing which the additional intake granted would be withdrawn with effect from the academic session 2010-2011.

(21) On 17th April, 2009, the petitioner Society filed Civil Misc. Application No. 6976 of 2009 for disposal of the instant petition in terms of the various judgments and orders passed by the Delhi High Court in the matters involving similar controversy. Copies of various orders passed by the Delhi High Court have also been placed on record (P-19 to P-24 and P-26). It has been contained that respondent Nos. 2 and 3 have already implemented the said orders of Delhi High Court and no Special Leave Petition has been preferred before Hon'ble the Supreme Court.

(22) On 20th July, 2009, when the matter came up for hearing before us, learned senior counsel for the petitioner Society made reference to various orders passed by the Delhi High Court and argued that the provisions of Regulation 8(3) and 8(4) of the 2007 Regulations have not been impressed upon by the respondent NCTE as the NCTE has granted concession in some cases and despite contest in later cases, order has been passed by the Division Bench of Delhi High Court in favour of the applicant-institutions, which are similarly situated to the present petitioners. In that regard reliance has been placed on various interlocutory orders passed by the Delhi High Court in **W.P. (C) No. 1119 of 2000 (Shiksha Parishad Kanay Gurukul Julalna versus National Council for Teacher Education)** [Annexures P-19 to P-23] and the judgment dated 1st August, 2008 passed by the Delhi High Court in the case of **Budha College of Education and others versus National Council for Teacher Education [W.P.(C) No. 5131 of 2008]** and other connected petition (P-26).

(23) In view of the aforementioned specific assertions made by the learned counsel for the petitioners, it was necessitated to know the exact number of institutions in whose cases the requirement of Regulation 8(3) and 8(4) of the 2007 Regulations has been relaxed. Learned counsel for respondent Nos. 2 and 3 was directed to furnish the requisite information. However, despite seeking and grant of time to the learned counsel on 22nd July, 2009 and 28th July, 2009 the needful has not been done till date. Accordingly, we decided to proceed further in the matter.

(24) We have heard learned counsel for the parties at length and gone through the paper book with their able assistance. It is conceded position that Regulation 8(3) and 8(4), which were incorporated in the 2005 Regulations were withdrawn by the 2006 Regulations and again re-inserted in the 2007 Regulations. The grant of recognition of B.Ed. course of one year duration with an annual intake of 100 (One Unit) to the petitioner Society was accorded on 10th August, 2006 for the academic session 2006-2007 by the Northern Regional Committee of NCTE (P-2). At the relevant time when the initial approval was granted to the petitioner Society, the 2006 Regulations (notified,—*vide* notification dated 20th July, 2006) were in force and the condition prescribed in Regulation 8(3) and 8(4) of



the 2005 Regulations were not applicable. For proper understanding it would be appropriate to read Regulation 8(3) and 8(4) of the 2005 Regulations :—

**“8. conditions for grant of recognition**

- (1) .....
- (2) .....
- (3) An institution shall be permitted to apply for enhancement of intake in a teacher education course already approved after completion of three academic sessions of running the course.
- (4) An institution shall be permitted to apply for enhancement of intake in Secondary Teacher Education Programme-B.Ed. and B.P.Ed. Programme, if it has accredited itself with the National Assessment and Accreditation Council (NAAC) with a grade of B+ on a nine point scale developed by NAAC.”

(25) On 27th December, 2007, the petitioner Society made an application for enhancement of their intake capacity by one unit (100 seats) in B.Ed. course for the academic session 2008-2009. However, the said application along with applications of several other institutions has been rejected. While doing so respondent Nos. 2 and 3 have relied upon Regulation 8(3) and 8(4) of the 2007 Regulations as notified,—*vide* notification dated 27th November, 2007, which read as follows :—

**“8. Conditions for grant of recognition**

- (1) .....
- (2) .....
- (3) An institution shall be permitted to apply for enhancement of course wise intake in teacher education courses already approved after completion of three academic sessions of running the respective courses.
- (4) An institution shall be permitted to apply for enhancement of intake in Secondary Teacher Education Programme-B.Ed. and B.P.Ed. Programme, if it has accredited itself with the National Assessment and Accreditation Council (NAAC) with a Letter Grade B developed by NAAC.”

(26) Regulation 5(4) of the 2007 Regulations for the first time introduced a cut off date by which an application was required to be submitted, and also prescribed the date by which the respondents would send a final communication either granting or refusing to grant recognition. The applications were required to be submitted by 31st October of the year preceding the academic session for which the recognition was being sought. Therefore, for the academic year 2008-2009, the application ought to have been submitted by 31st October, 2007. Since the 2007 Regulations were notified on 10th December, 2007, that is after the cut off date of 31st October, 2007, 'NCTE' issued a public notice to the following effect :—

*“it is clarified that applications received even after 31st October, 2007 could be processed for the next academic session, 2008-09 subject to fulfillment of other conditions for grant of recognition to the institution for a particular Teacher Training course. However, no recognition/permission for the academic session 2008-09 could be granted to an institution after 15th May, 2008. It is also clarified that this relaxation is only for the current year and the cut off date of 31st October, shall strictly be effective from 31st-October, 2008 i.e. preceding the academic session 2009-2010.”*

(27) It is apposite to mention here that by the identical orders, as have been impugned in the instant petitions, NCTE also rejected applications of a large number of institutions. Some of those institutions filed writ petitions in the Delhi High Court challenging vires of the 2007 Regulations, which were disposed of by a case to be listed before a Division Bench of Delhi High Court. On 21st May, 2008, when the case of **Shiksha Parishad Kanya Gurukul Julana** (*supra*) came up for hearing before Delhi High Court, counsel appearing for the respondent NCTE, Mr. V.K. Rao made a categorical statement before Delhi High Court that *“The respondent for the purpose of processing and approval of this application would not insist on these two criterion”*. The criteria referred to were those contained in Regulations 8(3) and 8(4) of the 2007 Regulation as reproduced in the preceding para. The said writ petition was disposed of on 29th May, 2008 by the Delhi High Court because in the interregnum, the inspection of that institution was conducted by the Regional Committee of 'NCTE', which found that the conditions were satisfied for approval. Therefore, for the

petitioner in W.P. (C) No. 1119 of 2008 (*supra*), 'NCTE' granted approval without insisting on compliance of Regulations 8(3) and 8(4) of the 2007 Regulations. The question regarding challenge to Regulations 8(3) and 8(4) of the 2007 Regulations was left open. Subsequently, order dated 21st May, 2008 passed by the Delhi High Court in WP(C) No. 1119 of 2008 (*supra*) and the arrangement worked out thereby, was followed in three other writ petitions which were similarly disposed of on 11th June, 2008 by taking note of the concession earlier made by Mr. V.K. Rao, Advocate for the respondent in WP(C) No. 1119 of 2008 (*supra*). Therefore, it is apparent that the aforementioned concession before Delhi High Court was confined not only in one petitioner i.e. WP(C) No. 1119 of 2008 (*supra*) but was extended to three other petitioners, namely, WP(C) Nos. 4507, 450 and 4512 of 2008. Another writ petition being WP(C) No. 4582 of 2008 was similarly disposed of on 26th July, 2008 by the Delhi High Court, wherein the Delhi High Court once again noted the concession made by 'NCTE' in WP(C) No. 1119 of 2008 (*supra*) and gave a direction that the respondent 'NCTE' shall not insist on the eligibility criteria of having three academic sessions as also the requirement of having accreditation with NAAC as provided in Regulations 8(3) and 8(4) of the 2007 Regulations for the purpose of considering the application for enhancement of intake capacity by one unit. Two other writ petitions, being WP(C) Nos. 4625 and 4674 of 2008, were disposed of by Delhi High Court on similar lines on 1st July, 2008 and 10th July, 2008 respectively.

(28) When WP(C) No. 4674 of 2008 was taken up for consideration by the Delhi High Court, learned counsel for 'NCTE' had urged that the concession had been made in the aforesaid cases, and in particular in WP(C) No. 1119 of 2008, but 'NCTE' was not willing to make a similar concession in WP(C) No. 4674 of 2008 Taking note of that submission. Delhi High Court had observed that the mere fact that the 'NCTE' was not willing to make a similar concession in that particular case could not be a reason to deny the petitioner the same relief as other similarly situated institutions had been granted, since the 'NCTE' was bound to maintain consistency in its action and cannot treat similarly placed organizations on different footing without any justification.

(29) Subsequently, when the case of **Budha College of Education** (*supra*) and other connected matters came up for hearing before the Delhi High Court, counsel for 'NCTE' Mr. Amitesh Kumar apprised the Court

that 'NCTE' has filed an application for seeking review of the order in WP(C) No. 1119 of 2008 (*supra*) wherein the concession made by Mr. V.K. Rao, Advocate had been recorded. It was then urged that the said concession with regard to Regulation 8(3) and 8(4) of the 2007 Regulations not being insisted upon was made without instructions.

(30) The review application filed by 'NCTE' was disposed of by the Division Bench of Delhi High Court on 25th July, 2008, *inter alia* observing that the order dated 21st May, 2008 was self explanatory and did not call for elaboration or clarification. Therefore, the Division Bench of Delhi High Court has not accepted the submission of 'NCTE' that the said concession was made without instructions and has not relieved the 'NCTE' in that particular case i.e. WP(C) No. 1119 of 2008 (*supra*), of the concession made by it through its counsel.

(31) To oppose the case of **Budha College of Education** (*supra*) and other connected petitions, counsel for 'NCTE' also placed reliance on an order dated 28th July, 2008, passed by the Division Bench of Delhi High Court in the case of **Brahaspati Mahila Mahavidyalaya versus National Council for Teacher Education** (CM No. 7998/2008 and CM No. 9289/2008 in WP(C) No. 4108 of 2008). The aforementioned applications were filed by the petitioner in that case to seek a similar direction and for that purpose reliance was even placed on the various orders passed by the Delhi High Court as noticed above. In spite of that, the Division Bench declined to grant an interim mandatory direction for processing the application of the petitioner in the said case.

(32) During the course of the hearing of the case of **Budha College of Education** (*supra*) and connected matters before the learned Single Judge of Delhi High Court, learned counsel for 'NCTE' also placed reliance on the judgments of Hon'ble the Supreme Court rendered in the cases of **Tripura Goods Transport Association versus Commissioner of Taxes (1)**, **B.S. Bajwa versus State of Punjab (2)**, **Uptron India Ltd. versus Shammi Bhan (3)** and **Central Council for Research in Ayurveda and Siddha versus Dr. K. Santhakumari (4)** and argued that a concession in law, made by a counsel on behalf of a party, cannot bind that party.

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- (1) (1998) 2 S.C.C. 264
  - (2) (1998) 2 S.C.C. 523
  - (3) (1998) 6 S.C.C. 538
  - (4) (2001) 5 S.C.C. 60

(33) After considering the aforementioned factual and legal position, learned Single Judge of Delhi High Court has held that 'NCTE' cannot be allowed to treat the educational institutions differently from those institutions whose petitions have already been allowed on the basis of concessions made by 'NCTE' through their authorized counsel on repeated occasions. The operative part of the order dated 1st August, 2008, passed by the learned Single Judge of Delhi High Court in the case of **Budha College of Education** (*supra*) and connected petitions is extracted as under :—

“.....Pertinently, the concession was made first by Mr. V.K. Rao, Advocate. It appears that thereafter neither Mr. Ravi Sikri nor Mr. Amitesh Kumar deviated from the same as would be apparent from the orders dated 11th June, 2008 and 1st July, 2008 referred to above. In my view, the decisions cited by learned counsel for the respondent have no application in the facts of these cases. This is so because the Regulations whereby the respondent regulates the norms and procedure for grant of recognition to institutions are framed by the NCTE itself and are amended from time to time by the NCTE. It is the NCTE which is the respondent in these petitions. Pertinently even earlier, public notice in relation to clarification with regard to the application of Regulation 5(4) has also been issued by NCTE. Therefore, the NCTE has exercised its power to relax its norms and Regulations from time to time. However, while granting relaxation it cannot act discriminatorily between similarly situated institutions. It cannot, therefore, be said that the relaxation of Regulation 8(3) and 8(4) is illegal, beyond the competence of NCTE or contrary to the regulations. It, therefore, cannot be said that the concession made by counsel for the respondent with regard to the relaxation of Regulations 8(3) and 8(4) as initially recorded in WP(C) No. 1119/2008 could not have been made, that the said relaxation could not bind the respondent; and that the said concession was contrary to the Regulations. So far as

the order passed by the Division Bench on 20th July, 2008 is concerned, from the said order it does not appear that the Hon'ble Division Bench has gone into the effect of the concession made by Mr. V.K. Rao initially, and the effect of the same being followed by the Division Bench and the single Benches of this Court repeatedly, as aforesaid. In my view, therefore, the said order cannot be construed as a reversal of the view of this Court, from the view which finds expression in all the aforesaid orders.

11. Accordingly, following the decisions of this Court in WP(C) No. 1119/2008 and the various other writ petitions detailed in paragraph 5 above. I direct that to process the applications of the petitioners for approval for intake of one additional unit for the B.Ed./D.Ed./STC course the respondents shall not insist upon the eligibility criteria of having three academic sessions as also the requirement of having accreditation with NAAC as contemplated in Regulations 8(3) and 8(4) of the Regulations dated 10th December, 2007. The impugned communications in each of these petitions is quashed. The respondent is directed to process the case of these petitioners for additional intake of one unit for the academic year 2008-2009 strictly in accordance with the other Rules as expeditiously as possible.
12. Counsel for the petitioners points out that in case the recognition is not granted by 16th September, 2008, the petitioner would not be in a position to admit students in the current academic session 2008-2009. The petitioners undertakes that from their side they would cooperate with the respondent and there would be no delay in fulfillment of whatever requirements the petitioners have to meet. In case there is no delay on the part of the petitioners individually the respondents would try to dispose of the applications by 7th September, 2008 so that they are able to commence the course with enhanced intake from the academic session 2008-09 in the event of the approval being granted.”

(34) Mr. Vinod S. Bhardwaj, learned counsel for respondent Nos. 2 and 3 has not been able to successfully controvert the aforementioned factual and legal position. He has only submitted that against the orders passed by the Delhi High Court Special Leave Petition has been filed, which is pending adjudication. However, no stay order has been passed by Hon'ble the Supreme Court. Therefore, the view taken by the Delhi High Court still holds the field.

(35) We have no hesitation to adopt the similar view which has been consistently adopted by the Delhi High Court in a number of similar matters. Accordingly, we allow these petitions. The impugned communications in each of these petitions are hereby quashed. Respondent Nos. 2 and 3 shall not insist upon the eligibility criteria of having three academic sessions as also the requirement of having accreditation with NAAC as contemplated in Regulations 8(3) and 8(4) of the 2007 Regulations. They shall process the applications of the petitioners for approval for intake of one additional unit for the B.Ed. course filed for the academic year 2008-2009 strictly in accordance with the other Regulations as expeditiously as possible. Learned counsel for the petitioners undertakes that they would cooperate with the respondents and there would be no delay in fulfillment of every other requirements the petitioners are expected to meet. In case there is no delay on the part of the petitioners individually the respondents would try to dispose of the applications by 15th September, 2009 so that they are able to commence the course with enhanced intake from the academic session 2009-10 in the event of the approval being granted.

(36) The writ petitions stands disposed of in the above terms.

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**R.N.R.**