

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 1089/2021

AAKASH COLLEGE OF EDUCATION & ANR. Petitioner(s)
VERSUS
NATIONAL COUNCIL FOR TEACHER EDUCATION & ORS. Respondent(s)

(FOR ADMISSION and IA No.125111/2021-CLARIFICATION/DIRECTION)
[TO BE TAKEN UP AS ITEM NO.1 IN THE CAUSE LIST.]

WITH

W.P.(C) No. 1086/2021 (X)
(With IA No. 124892/2021 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 1088/2021 (X)
(FOR ADMISSION and IA No.125044/2021-EXEMPTION FROM FILING O.T. and
IA No.125046/2021-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1160/2021 (X)
(FOR ADMISSION and IA No.137212/2021-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1162/2021 (X)
(FOR ADMISSION and I.R. and IA No.137669/2021-APPROPRIATE
ORDERS/DIRECTIONS)

W.P.(C) No. 1157/2021 (X)
(FOR ADMISSION and IA No.137008/2021-CLARIFICATION/DIRECTION)

W.P.(C) No. 1168/2021 (X)
(FOR ADMISSION and IA No.138052/2021-EXEMPTION FROM FILING O.T. and
IA No.138051/2021-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1179/2021 (X)
(FOR ADMISSION and IA No.139244/2021-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1178/2021 (X)
(FOR ADMISSION and IA No.139241/2021-CLARIFICATION/DIRECTION)

W.P.(C) No. 1166/2021 (X)
(FOR ADMISSION and IA No.138002/2021-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1176/2021 (X)
(FOR ADMISSION and IA No.139030/2021-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1165/2021 (X)
(FOR ADMISSION and IA No.137738/2021-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1193/2021 (X)

**(FOR ADMISSION and IA No.140560/2021-EXEMPTION FROM FILING O.T. and
IA No.140559/2021-APPROPRIATE ORDERS/DIRECTIONS)**

W.P.(C) No. 1185/2021 (X)

(FOR ADMISSION and IA No.139884/2021-APPROPRIATE ORDERS/DIRECTIONS)

Date : 17-11-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For parties

**Mr. Sanjay Sharawat, AOR
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Ms. Priti Kumari, Adv.
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**Mr. Siddharth Jain , AOR
Mr. T. N. Durga Prasad, Adv.
Mr. Akarsh Garg, Adv.
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**Ms. Manisha T. Karia, AOR
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Ms. Sukhda Kalra, Adv.
Mr. Adarsh Kumar, Adv.**

**Mr. Arjun Garg, AOR
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.**

**Dr. Manish Singhvi, Sr. Adv.
Mr. Arpit Parkash, Adv.
Mr. Sandeep Kumar Jha, AOR**

**Mr. Pashupati Nath Razdan, Adv.
Mr. Prakhar Srivastav, Adv.
Mr. Aakash Sinha, Adv.
Mr. Astik Gupta, Adv.
Ms. Sneha Bairwa, Adv.**

Mr. Anubhav Kumar, Adv.
M/s. Manoj Swarup & Co.

Mr. Namit Saxena, Adv.
Mr. Awnish Maithani, Adv.
Mr. Harish Chandra Sharma, Adv.
Ms. Arushi Dhawan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Having heard learned counsel for the parties at some length, these petitions filed under Article 32 of the Constitution of India raises several issues. They include the question as to why the counselling itself has not been concluded in the States of Rajasthan, Haryana and Madhya Pradesh in conformity with what has been laid by this Court in *Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh and Others* (2013) 2 SCC 617 at paragraph 91 read with paragraph 2. The States must necessarily respond by filing appropriate affidavit as to what is the reason why the counselling in regard to the teacher training courses is held late which *prima facie* appears to be in clear breach of the directions issued by this Court. There also appears to be some incongruity in the schedule which is fixed having regard to the subsequent Regulations of the year 2014. In regard to the same also, the matter must receive greater attention.

The question remains, however, as to the relief which is sought in the form of relaxing the time limit which has been fixed in *Maa Vaishno Devi Mahila Mahavidyalaya* (supra).

In these cases, we are confronted with certain facts. They are in the form of different stages at which the counselling has reached in regard to the courses. In some case, the first round of counselling has not commenced, in some others, the first round has commenced but it has not been concluded. In some of the cases, the matter has gone beyond the stage of first counselling and what is more, it has reached the stage of the second counselling which also stands concluded. There is one case (writ petition of Madhya Pradesh) where the fourth round of counselling (in diploma course) has also commenced.

In these matters, while it is true that this Court has, in the past, granted orders extending the cut off date which was declared in *Maa Vaishno Devi Mahila Mahavidyalaya* (supra) and which was meant to be inviolable, having regard to certain circumstances, in particular, having regard to the onset of COVID 19 during last year, we would think that being a relief extraordinary in nature, it should not become a routine affair. An exception cannot become the Rule, as it were. At the same time, as already noted, in respect of some of these institutions, even the first round has not commenced and as already noted, in some, the first round of counselling is not yet over. We are of the view that in respect of the cases where the counselling for the first round is either not commenced or not concluded, the petitioners can be given relief. In respect of other

institutions where it has gone past the stage of the first round, we do not think, we should exercise the power available under Article 32.

There will, therefore, be interim order as follows in the following writ petitions.

W.P. (C)No. 1089/2021, W.P. (C)No. 1162/2021, W.P. (C)No. 1157/2021, W.P. (C)No. 1168/2021, W.P. (C)No. 1179/2021, W.P. (C)No. 1166/2021, W.P. (C)No. 1165/2021, W.P. (C)No. 1185/2021

(i) The cut-off date fixed by this Court in Maa Vaishno Devi Mahila Mahavidyalaya (supra) is extended in the facts of these cases.

(ii) It is held and declared that the petitioners would be entitled to the recognition granted by respective orders passed by NCTE or its Regional Committees from the Academic Session 2021-2022 instead of Academic Session 2022-2023.

(iii) The Respondent - NCTE and its Regional Committees are directed to issue formal orders/notifications in that regard within a period of three days from today.

(iv) The State and other Authorities would consider grant of affiliation and/or other requisite permissions within a period of 15 days from today.

(v) We will make it clear that subject to the grant of affiliation and other requisite permissions been granted, the petitioners would be entitled to admit the students for Academic Session 2021-2022 as per the sanction granted by NCTE for the Academic Session 2022-2023.

(vi) The name of the petitioner-colleges/institutions shall be included in the counselling programme for admissions.

We direct that affidavits will be filed by the State and also the NCTE in the matters on the questions which we have referred to in the aforementioned part of the order.

List the matters on 09th December, 2021.

We consider, the junction, having regard to the questions which arises of the State of Haryana, Department of Higher Education, 5th Floor, Mini Secretariat, Sector-17, Chandigarh through its Principal Secretary, Higher Education be impleaded in W.P. (C)No. 1089 of 2021.

Needless to say, we are passing these orders *qua* the petitioners before us.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER