

**Government of West Bengal**  
**Higher Education Department**  
**College Sponsored Branch**  
**Bikash Bhavan, Salt Lake, Kolkata-700091**

No. 716-Edn(CS)/10M-68/14

Dated, Kolkata the 1<sup>st</sup> September, 2014

**MEMORANDUM**

For smooth functioning of academic matters related to B. Ed. course in the State, the State Government in the Higher Education Department has decided to prescribe the following guidelines :-

1. The University and B. Ed. colleges shall follow the academic calendar based on the judgement of the Hon'ble Supreme Court as circulated by the NCTE, vide its letter no. ERC/05-605/2013/16196 dated 05.02.2013 (copy enclosed for ready reference) or relevant judicial orders issued from time to time by the Hon'ble Court and circulated by the NCTE.
2. The University shall obtain an affidavit from every self-financed B. Ed. college, on a non-judicial stamp paper before each academic session that they shall not charge fees in excess of the ceiling specified by the State Government / Affiliating University and that in the event of any such malpractice being discovered / established, they shall be liable to be penalised under the law, which may include withdrawal of affiliation by the University.
3. The university should direct all the self-financed B. Ed. colleges under its jurisdiction to accept fees through their bank account and not in cash.
4. The Inspector of Colleges of the concerned University should inspect each and every self-financed B. Ed. college at least twice in each academic session to ensure better monitoring and supervision of such institutes.
5. The seats reserved for deputed / in-service teachers may be de-reserved to accommodate the freshers, with prior approval of the University, in a manner that no seats lie vacant.
6. From the next academic session (2015-2016) the ratio for home University students and other university students shall be 80:20.

  
**Additional Secretary**



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पूर्व क्षेत्रीय समिति  
राष्ट्रीय अध्यापक शिक्षा परिषद  
(भारत सरकार का एक विधिक संस्थान)

14/12/13  
18.2.13

SL/SS-362/12

F.No.ERC/05-605/2013/ 16196



February, 2013

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To.

The Principal Secretary,  
Deptt. of School Education  
6th Floor, Room No. 606, Bidhan Nagar  
Kolkata, West Bengal – 700 091

V.V. Imp  
Ref. S (L)  
Bon  
18/2/13

Sub: WP(C) No. 276/2012 along with others WP(C) and SLPs (Civil) filed by  
Maa Vaishno Mahila Mahavidyalaya and others Vs State of U.P & Others in  
the Hon'ble Supreme Court of India...regarding.

ASCH  
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18/2/13

Sir / Madam,

Please find herewith a copy of the judgement dated 13.12.2012 of the Hon'ble  
Supreme Court with reference to the writ Petition stated above. This is to apprise you that  
the Hon'ble Supreme Court has directed the NCTE to circulate the copy of the judgement  
to all concerns. The matter is related with recognition and affiliation to Teacher Education  
Institutions.

Hence, a copy of the judgement is hereby forwarded for your kind information and  
compliance.

Yours faithfully,

*(Signature)*  
(C. Neelap)  
Regional Director

SY No. 358 (L)  
25/2/13  
A/S

TSL (Law)  
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one page gist  
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Copy To: The Member Secretary, National Council for Teacher Education,  
Hans Bhawan, Wing-II, 1, Bahadurshah Zafar Marg,  
New Delhi-110002 for Information.

*Annexure 9 Agenda Items. 11*

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISDICTION**

**WRIT PETITION (CIVIL) NO. 276 OF 2012**

Maa Vaishno Devi Mahila  
Mahavidyalaya  
Appellant

...

**Versus**

State of U.P. & Ors.  
Respondents

...

**WITH**

Writ Petition (Civil) No. 296 of 2012

Writ Petition (Civil) No. 306 of 2012

Writ Petition (Civil) No. 307 of 2012

Writ Petition (Civil) No. 329 of 2012

Civil Appeal No. 9062 of 2012  
(Arising out of SLP (C) No. 24976 of 2012)

Writ Petition (Civil) No. 354 of 2012

Civil Appeal No. 9063 of 2012  
(Arising out of SLP (C) No. 25666 of 2012)

Writ Petition (Civil) No. 345 of 2012

Writ Petition (Civil) No. 346 of 2012

Writ Petition (Civil) No. 347 of 2012

Writ Petition (Civil) No. 350 of 2012

Writ Petition (Civil) No. 349 of 2012

Civil Appeal No. 9064 of 2012  
(Arising out of SLP(C) No. 21527 of 2012)

Civil Appeal No. 9065 of 2012  
(Arising out of SLP(C) No. 21643 of 2012)

Civil Appeal No. 9066 of 2012  
(Arising out of SLP(C) No. 21671 of 2012)

Civil Appeal No. 9067 of 2012  
(Arising out of SLP(C) No. 21695 of 2012)

Civil Appeal No. 9068 of 2012  
(Arising out of SLP(C) No. 21720 of 2012)

Civil Appeal No. 9069 of 2012  
(Arising out of SLP(C) No. 21873 of 2012)

Civil Appeal No. 9070 of 2012  
(Arising out of SLP(C) No. 21874 of 2012)

Civil Appeal No. 9071 of 2012  
(Arising out of SLP(C) No. 21876 of 2012)

Civil Appeal No. 9072 of 2012  
(Arising out of SLP(C) No. 21877 of 2012)

Civil Appeal No. 9073 of 2012  
(Arising out of SLP(C) No. 21878 of 2012)

Civil Appeal No. 9074 of 2012  
(Arising out of SLP(C) No. 21881 of 2012)

Civil Appeal No. 9075 of 2012  
(Arising out of SLP(C) No. 21882 of 2012)

Civil Appeal No. 9076 of 2012  
(Arising out of SLP(C) No. 21890 of 2012)

Civil Appeal No. 9077 of 2012  
(Arising out of SLP(C) No. 24959 of 2012)

10 Civil Appeal No. 9078 of 2012  
(Arising out of SLP(C) No. 22351 of 2012)

Writ Petition (Civil) No. 395 of 2012

Writ Petition (Civil) No. 389 of 2012

Writ Petition (Civil) No. 397 of 2012

### J U D G M E N T

Swatanter Kumar, J.

1. Leave granted in all the Special Leave Petitions.
2. In the case of *College of Professional Education and Others Vs. State of Uttar Pradesh* [Civil Appeal No.5914 of 2011 decided on 22<sup>nd</sup> July, 2011], this Court recorded that for the academic year 2012-2013 and subsequent academic years, the institutions and the State Government have arrived at a broad consensus regarding the procedure and terms and conditions of admission, recognition and affiliation. The terms and conditions which have been agreed and had received the approval of the court were noticed in great detail in that

judgment. For the academic year 2012-2013 and subsequent years, the following schedule for admission was provided :

1.	Publication of Advertisement	01.02.2011
2.	Sale of Application Forms and their submission	10.02.2012 to 10.03.2012
3.	Date of Entrance Examination	20.04.2012 to 25.04.2012
4.	Declaration of Result	25.05.2012 to 30.05.2012
5.	Commencement and completion of counseling	01.06.2012 to 25.06.2012
6.	Last Date of Admissions after counseling	28.06.2012
7.	Commencement of Academic Session	01.07.2012

3. The Court further directed that for the academic year, there would be only one counseling. It was to continue for a period of 25 days and was to be conducted as per the directions contained in the judgment. Having provided for the various facets in relation to the manner, procedure and methodology to be adopted for admissions, the court also provided for the time by which affiliation should be granted to the colleges for the relevant academic year. Clause VI(b) of the judgment which has bearing upon the matters in issue before us reads as under:-

"(b) After the counseling is over, the concerned University will continue to allot the candidates from the above mentioned waiting list against the vacant seats till all the seats in the colleges are filled up. It is further submitted that the organizing university will provide students only to the existing B.Ed. College and all those B.Ed. Colleges which will get affiliation upto dated 07.07.2011 will not be considered for counseling to the year 2011-12 and for the next consecutive years and onward the colleges which will be get affiliated on or before 10<sup>th</sup> of May of that year, would be considered for counseling."

4. As is clear, the Court had fixed a cut-off date for affiliation. The colleges which were affiliated upto 7<sup>th</sup> July, 2011 only were permitted to participate in the counseling for the academic year 2011-2012. For the next consecutive academic years, the colleges which were permitted to participate in the counseling were the ones' which received affiliation on or before 10<sup>th</sup> May of that year. In other words, the colleges which did not receive affiliation by the said cut-off date were not to be included in the counseling.

5. Some of the colleges in the State of Uttar Pradesh which had not received affiliation filed writ petitions challenging the order of the universities declining grant of affiliation to them. These writ petitions came to be dismissed by different

judgments of the High Court of Judicature at Allahabad, Lucknow Bench, *inter alia*, but primarily on the ground that the court had no jurisdiction to extend the cut-off date as provided in the judgment of this Court in the case of *College of Professional Education* (supra).

6. In 17 special leave petitions, different petitioners have challenged the judgments of the concerned High Court before this Court. The petitioners in 15 writ petitions have approached this Court under Article 32 of the Constitution of India challenging the order of the university/authorities declining to grant affiliation again in view of the cut-off date fixed by this Court.

7. These writ petitions and appeals have raised common questions of law on somewhat different facts. Thus, we propose to dispose of these writ petitions and appeals by this common judgment. Before we dwell upon the real controversy arising for consideration of the Court in the present case, it will be necessary for the court to refer to the facts in some of the writ petitions/appeals.



## Facts

### Writ Petition (Civil) No. 276 of 2012

8. It is the case of the petitioner that Maa Vaishno Devi Shiksha Samiti, a society registered under the provisions of the Societies Registration Act, 1860 had been imparting education in various disciplines as main object. In furtherance to its stated objects, the society opened Maa Vaishno Devi Mahila Mahavidyalaya (for short, the "College") to conduct courses in education (B.A., B.Ed.) in the year 2007. Initially, the college started with B.A. course and was granted affiliation by Dr. Ram Manohar Lohia Avadh University (for short, the 'University') in accordance with law. Thereafter, the college intended to conduct B.Ed course for which it applied for grant of affiliation and recognition to the respective authorities. On 24<sup>th</sup> September, 2010, the National Council for Teacher Education (for short "NCTE") granted recognition to the petitioner college for conducting B.Ed. courses of secondary level of one year with annual intake for 100 students from the academic session 2010-2011.

9. In furtherance to the request of the College, the University conducted inspection of the College and thereupon recommended its case to the State Government. On 6<sup>th</sup> July, 2011 the State Government granted permission to accord temporary affiliation to the petitioner to run B.Ed classes for one year on self-finance basis for the academic year 2011-2012. Subsequently, on 22<sup>nd</sup> July, 2011, as already noticed, the judgment of this Court came to be passed in the case of *College of Professional Education and Ors. (supra)* fixing the time schedule for grant of affiliation. A strict timeline was laid down for application, examination, counseling and admissions with the academic session to begin on 1<sup>st</sup> July, 2012.

10. Para VI of the judgment dated 22<sup>nd</sup> July, 2011 does have an element of ambiguity. While noticing the submissions and passing appropriate directions, the court noticed "it is further submitted that the organizing university will provide students only to the existing B.Ed. College and all those B.Ed. colleges which will get affiliation dated 7<sup>th</sup> July, 2011 will not be considered for counseling to the year 2011-12 and for the next consecutive year and onward, the colleges which will get affiliated on or before 10<sup>th</sup> of May of that year would be

considered for counseling.....". It is obvious that there is something amiss prior to the words 'will not' appearing immediately after the date of 7<sup>th</sup> July, 2011. Obviously, what the court meant was that the colleges which are affiliated or which will get affiliation upto 7<sup>th</sup> July, 2011 are the colleges to which the organizing university will provide students, but other colleges which get affiliation after 7<sup>th</sup> July, 2011 will not be considered for counseling for the year 2011-2012. Furthermore, for subsequent academic years, the colleges to which the students will be provided would be the colleges which attain affiliation by 10<sup>th</sup> May of that year. That is the spirit of the directions. Thus, we must read and construe the judgment in that fashion.

11. Reverting to the facts of the present case, the University granted temporary affiliation to the college for the academic year 2011-12 on 27<sup>th</sup> August, 2011 with intake capacity of 100 seats. The petitioner college claims that it had got permanent recognition from NCTE for B.Ed. courses. In face of this, the name of the petitioner college was inducted in the list of colleges for which the counselling was held by the organizing university for the academic year 2011-12. Since the petitioner

college had received temporary affiliation for B.Ed. classes only for one year, it again approached the University and the State Government for grant of permanent affiliation for the subsequent academic years and completed all the formalities as well as requested the authorities to constitute an Inspection Team as required under the law. In the meanwhile, the Department of Higher Education, State of Uttar Pradesh, issued an office order dated 11<sup>th</sup> January, 2012 vide which the time schedule for seeking affiliation as directed by the court was fixed. The last date for submission of proposal to the concerned university was 10<sup>th</sup> March, 2012. The proposal received was to be forwarded to the Government by the University latest by 25<sup>th</sup> March, 2012 and the State Government was required to grant approval by 10<sup>th</sup> April, 2012. This date of 10<sup>th</sup> April, 2012, in fact, stood extended upto 10<sup>th</sup> May, 2012, the date fixed by this Court. The University constituted a three member team to inspect the college which submitted its report on 26<sup>th</sup> February, 2012. The Report is stated to have been submitted finding that the petitioner was possessed of adequate building, infrastructure and funds for running the B.Ed. course and recommended permanent affiliation. It is the