

**Petitioner:**

Shri Pooja Sanstha Katni, through  
Director, Dr. Surendra Rajput, S/o late  
Shri A.P. Singh, aged about 45 years,  
R/o Village Rithi, Tehsil and District  
Katni M.P.

*2015*  
*47159*

**VERSUS**

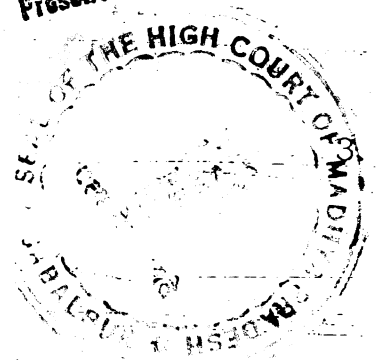
**Respondents:**

1. State of Madhya Pradesh, through its  
Personal Secretary Education  
department Vallabh Bhawan Bhopal,  
M.P.

2. Western Regional Committee of National  
Council for Teacher Education, at  
Bhopal, Manas Bhawan, Shyamla Hills,  
Bhopal, M.P.

National Council for Teacher Education,  
Hans Bhawan, Wing II, 1, Bahadurshah  
Zafar, Marg, New Delhi.

*7/4/15*  
*Ashok*  
Presentation Assistant



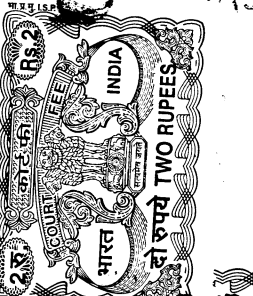
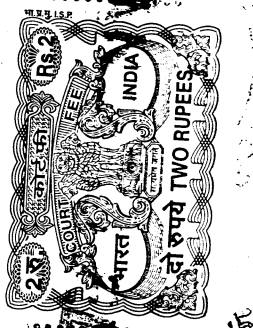
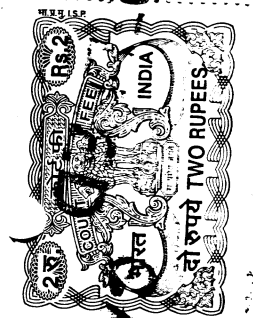
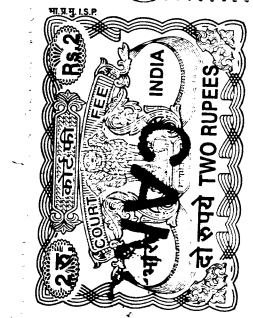
**(Writ Petition under Article 226 of the Constitution of India)**

1. Particulars of the cause/order against which the  
petition is made:

- (1) Date of Order / Notification / Circular / Policy /  
Decision etc: 23.01.2014
- (2) Passed in: WRC/APP2089/223/198<sup>th</sup> /2013-14/113015
- (3) Passed by: Western Regional Committee of National  
Council for Teacher Education, Bhopal (Respondent no. 2)

**and**

- (1) Date of Order / Notification / Circular / Policy /  
Decision etc: 10/12/14



DATE OF THE  
ORDER

ORDER

**Writ Petition No.5094/2015****26/06/2015**

Shri Neeraj Ashar, learned counsel for the petitioner.

Shri K.K.Singh, learned counsel on advance notice for the respondent No.2.

Challenging the orders passed by the Western Railway Council for teachers education rejecting the application filed by the petitioner for granting approval and recognition, dated 23/01/2014 and the order passed by the appellate authority rejecting the appeal filed under Section 18 of the NCT Act vide order Annexure P/9 on 10/12/2014, this writ petition was filed.

Pointing out the deficiency with regard to the society possessing less land then the statutory requirement for carrying out the activity of institute in question, proceedings were initiate and finding that the petitioner was not in a position to fulfill the requirement of land area in accordance with the statutory requirement, the impugned action has been taken. The petitioner submits that vide sale deed dated 29/09/2013 Annexure P/3 petitioner has acquired the additional land and now the statutory requirement is complied with and without taking note all these fact, the appeal has been rejected.

On going through the memorandum of appeal, it is seen that the appellate authority has found that when the

DATE OF THE ORDER

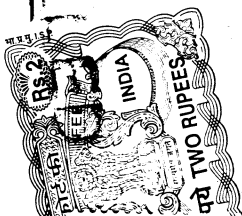
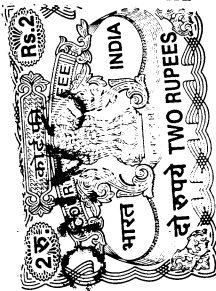
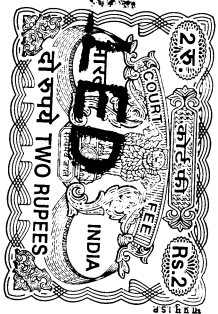
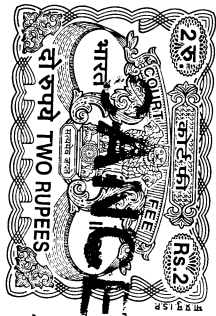
ORDER

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original recognition was granted, the requirement of land area was not fulfilled, the subsequent action does not make any change in the deficiency and accordingly did not interfere.

Shri K.K.Singh, learned counsel appearing on behalf of respondent No.2 submits that now if the petitioner has acquired the additional land and statutory provisions are complied with, then, now in the light of the change in the statutory Regulation with 28/11/2014, petitioner is required to submit a fresh application in accordance to the new Regulation and his case can be considered only for the next academic session 2016-2017.

We considered the rival contention of learned counsel for the parties and we find that for the current academic session 2015-2016 the process of admission has already been commenced and the course is to commence shortly and at this stage petitioner cannot be granted approval and recognition for the current academic session. That apart, with effect 28/11/2014. The new statutory recognition of 2014 has come into force and the petitioner has to fulfill the statutory ~~conditions~~ as per the new Regulation. The petitioner is now required to bring all these facts about the subsequent development to the notice of the Council and it is for the Council to take steps for grant of approval or otherwise based on these subsequent development and after considering the new regulation of 2014..



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Keeping in view the aforesaid, we direct the petitioner to file a fresh application and initial process for grant of approval and recognition before the Council in accordance to the requirement of the Regulation 2014 and on the same being done, the Council shall take steps for considering the case of the petitioner and if the petitioner is found eligible grant approval much before the next academic session 2016-17 commences.

With the aforesaid, the petition stands disposed of.  
Certified copy as per rules.

*[Signature]*  
(Rajendra Menon)  
Judge

*[Signature]*  
(Ms. Vandana Kasrekar)  
Judge

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30/6/2012  
High Court of Madhya Pradesh  
JABALPUR