

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 3190/2014

New Delhi this the 31st day of August, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Hon'ble Mr. S.N. Terdal, Member (J)

1. Ms. Shahin Rustam, aged 32 years,
D/o Sh. Mohammad Rustam,
R/o 2351, Gali Mir Madari,
Rodgran, Delhi-110006
2. Sh. Nadeem, Aged 28 years,
S/o Sh. Abdul Sattar,
R/o 160, Gali No.2,
Old Mustafabad, Delhi-110094 - Applicants

(By Advocate: Mr. Sanjay Sharawat)

Versus

1. Indira Gandhi National Open University,
(IGNOU)
Maidan Garhi, New Delhi-110068
Through its Registrar
2. Maulana Azad National Urdu University,
(MANUU)
Directorate of Distance Education,
Gachibowli, Hyderabad-500 032
State of Telangana,
Through its Registrar
3. National Council for Teacher Education,
(NCTE)
Corporate Office at: Hans Bhawan, Wing-II,

Bahadur Shah Zafar Marg,
New Delhi-110001
Through its Member Secretary

4. Northern Regional Committee (NRC)
National Council for Teacher Education,
Fourth Floor, Jeevan Nidhi-II, LIC Building,
Bhawani Singh Marg, Ambedkar Circle,
Jaipur-302005, Rajasthan, Through its Regional Director
5. South Delhi Municipal Corporation (SDMC)
Through its Commissioner,
Dr. Shyama Prasad Mukherjee Civic Centre,
Minto Road, New Delhi-100002
6. Delhi Subordinate Services Selection Board (DSSSB),
Govt. of NCTE of Delhi,
FC-18, Institutional Area, Karkardooma,
Delhi-110092 through its Secretary
7. Union of India
Through Ministry of Human Resource Development
Department of School Education and Literacy
Shastri Bhawan, New Delhi-110001
Through its Secretary - Respondents

(By Advocates: Ms. Ritika Chawla and Mr. RK Jain)

ORDER (Oral)

Ms. Nita Chowdhury, Member (A):

This Original Application (OA) has been filed by the applicants seeking the following reliefs:-

“(i) Quash and set aside the decision taken by Respondent No.3 (NCTE) in terms of its order dated 11.02.2014 thereby treating the DPE course conducted by Respondent No.1 & 2 as unrecognized; and

(ii) Declare and hold that the course namely “Diploma in Primary Education “ conducted by the Respondent No.1 and 2 in collaboration with each other for academic session 2006-08 is duly recognized by the Respondent No.3 and 4 and consequently, declare that the qualifications/Certificates dated 08.10.2008 issued by the Respondent No.1 and 2 to the Applicants in recognition of having completed said course is legal, valid and duly recognized for all intents & purposes; and

(iii) Consequently quash the rejection of candidature of the Applicants shown in the rejection notice dated 01.03.2014 at S.Nos. 53 and 2

respectively and declare them to have been duly selected in the examination conducted by the Respondent No.6 for the post of Teacher (Primary Urdu) with post code: 69/09 and accordingly direct the Respondent No.5 & 6 to issue appointment letters to the Applicants for said post; and

(iv) Pass any other and further order(s) as may be deemed fit.”

2. It is the case of the applicants that they had applied in response to the advertisement issued by the Delhi Subordinate Services Selection Board (DSSSB) for the posts of Teacher (Primary-Urdu) in MCD under Post Code 69/09 on the basis of the qualification of Diploma in Primary Education (DPE) conducted by Maulana Azad National Urdu University (MANNU). But the DSSSB rejected their candidatures on the ground of not having DPE from

an institution recognized by National Council for Teacher Education (NCTE). Immediately on coming to know of rejection of their candidatures, the applicant no.2 met the officials and requested them to clarify the position with regard to the DPE course offered by it in collaboration with IGNOU and in reply, MANUU appreciated the concern of applicants and it informed the applicant no.2 that it is trying to impress upon the NCTE to intervene in this matter and solve the problem of large number of students who have completed the said course during 2006-08 academic session. Being aggrieved by the impugned decision dated 15.07.2014 taken by the respondent no.3 in declaring the DPE course conducted by respondent nos. 1 and 2 for academic session 2006-08 as unrecognized and the consequential rejection of their candidatures by respondent no.6, the applicants filed WP(C) No. 4512/2014 which was rejected by the Hon'ble High Court vide its order dated 13.08.2014 requiring them to first file OA before the Tribunal. Hence, the present OA.

3. In reply to the OA, the learned counsel for the respondents informed that the applicants have filed this OA basically against

respondent nos. 3 to 7 seeking relief to quash and set aside the decision taken by the NCTE – respondent no.3 in terms of letter dated 11.02.2014 treating the DPE course conducted by IGNOU/respondent no.1 and MANUU/respondent no.2 as unrecognized. The application filed by the applicants is based on false, imaginary and unacceptable allegation. The respondents, while answering to the question raised by the applicants with regard to recognition granted to the IGNOU for DPE course, have submitted that the recognition was granted to IGNOU for this course for two years duration for the academic session 2000-01 with an intake of 1200 students vide order dated F.No. F-3/DH-11/D.P.E.(D.E.)/2000/9716-23 dated 21.08.2000 on the condition that *the University will admit only North-Eastern States students*. Therefore, the contention of the applicants that they have passed DPE from recognized institution is not borne out by the facts.

4. In fact, the entire issue has been considered in detail by NRC in its 219th meeting held from 26th to 29th September, 2013 and it decided as under:-

“The original file of the University along with other related documents, NCTE Act 1993, Regulations and Guidelines of

NCTE published from time to time were carefully considered by NRC.

Before consideration the request of the University for jurisdiction to run Diploma in Primary Education (D.P.Ed) in all India (except J&K) instead of North Eastern State, the NRC decided that the University be asked to submit a list of study centre alongwith the intake of each study centre for D.P.Ed (Diploma in Primary Education), B.Ed & M.Ed (D.E.) course under distance mode being run by the University.”

5. Accordingly, the respondents have further drawn our attention to the fact that they have obtained specific replies from the NCTE which is a statutory body of Government of India who decides on the question of validity of DPE course and they have produced a copy of letter No.F-SRO/CTE/2013-2014/5532 dated 06.12.2013 issued by NCTE which reads as under:-

“Sub: Regarding validity of DPE course conducted by Maulana Azad National Urdu University, Hyderabad/IGNOU-reg

Ref: Your letter no.f.48-5/2013/NCTE/N&S/A74697 dated 27thSeptember, 2013

With reference to the subject cited above, it is to inform you that as per SRC-NCTE record, the Maulana Azad National

Urdu University, Hyderabad has not been granted recognition for conducting DPE course under distance mode.”

6. Hence, the respondents point out that teacher training qualification obtained from an institution not recognized by NCTE after the appointed day i.e. 17.8.1995 shall not be treated as a valid qualification for purposes of employment under the Central Government, any State Government or University, or in any school, college or other educational body aided by the Central Government or any State Government.

7. We have heard learned counsel for parties and perused the pleadings available on record.

8. The applicants themselves have admitted in their OA that it is within the jurisdiction of the NCTE to decide the issue of recognition of institutions for conducting DPE courses. Quite clearly, the NCTE has not granted recognition to MANUU for conducting DPE course during academic session 2006-08. In fact, the letter dated 27.03.2014 (Annexure A-13) referred to by the applicants in para 4.16 of the OA, is just an exchange of

communication between the NCTE and MANUU and it cannot be considered as a ground for considering the applicants to have obtained qualification from a recognized institution. NCTE itself, vide its letter dated 06.12.2013 (Annexure A-11), made it clear that MANUU, from which the applicants have obtained the Diploma in Primary Education, is not a recognized institution for conducting such course during academic session 2006-08. In view of lack of recognition by NCTE, the respondents were correct in rejecting the claim of the applicants. The applicants are thus not found to have qualification of DPE course from a recognized institution as per the advertisement for post code 69/09.

9. In view of the above observations, we do not find any merit in the OA and the same is accordingly dismissed. No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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