कार्यालय, जिला शिक्षा एवं प्रशिक्षण संस्थान, पुखरायां, रमाबाई नगर।
विशिष्ट बी0टी0सी0 प्रशिक्षण – 2007
कार्यवृत्त

आज दिनांक 2010 को जिलाधिकारी, रमाबाई नगर (कानपुर देहात) की अध्यक्षता में विशिष्ट बी0टी0सी0 प्रशिक्षण 2007 हेतु गठित जिला चयन समिति की बैठक जिलाधिकारी, रमाबाई नगर (कानपुर देहात) के सभाकक्ष में आहूत की गयी, जिसमें निम्नलिखित सदस्यगण उपस्थित हुए–

1– श्री सरोज तिवारी – जिलाधिकारी /अध्यक्ष
2– श्री सत्यभान – मुख्य विकास अधिकारी/सदस्य
3– श्री नन्दलाल – जिला विद्यालय निरीक्षक रमाबाई नगर /सदस्य
4– श्री संजय शुक्ला– जिला बेसिक शिक्षा अधिकारी/सदस्य
5– रेखा श्रीवास्तव – प्राचार्य/सचिव जिला शिक्षा एवं प्रशिक्षण संस्थान, पुखरायां, रमाबाई नगर

उपरोक्त पदाधिकारियों एवं सदस्यों की उपस्थिति में सचिव/प्राचार्य, जिला शिक्षा एवं प्रशिक्षण संस्थान, रमाबाई नगर ने बताया कि मा0 बृहदपीठ के आदेश दिनांक 06.01.09 के आधार पर स्पेशल अपील संख्या 858/2010 भूपेन्द्र नाथ त्रिपाठ व अन्य बनाम उ0 प्र0 सरकार तथा अन्य को मा0 खण्डपीट ने अपने आदेश 31.03.2009 द्वारा निर्णीत किया था। उक्त निर्णय का प्रभावकारी अंश निम्नवत् है–

(a) The candidates who have B.Ed. degree obtained from an institution or University during the period when the application of the institution or the University for grant of recognition under Section 14 of the National Council for Teacher Education Act, 1993 was pending, are eligible for Special BTC Course 2007 as laid down by the Division Bench in Ekta Shukla's case (supra).

(b) The provision to Section 14(1) recognizes continuance of the course, which was being run immediately before the appointed day provided application is submitted within the continuance of such course is deemed recognition of such course and degree awarded therein by express provisions of proviso to Section 14(1) of National Council for Teacher Education Act, 1993.

(c) The exclusion of the candidates from the field of eligibility for Special BTC Course 2007 who have obtained B.Ed. degree prior to the enforcement of NCTE Act, 1993 or after the enforcement of the said Act during the period when the application of the institution or University was pending consideration is arbitrary, unreasonable and violative of Article 14 of the Constitution. The above two categories of candidates are also eligible to participate in Special BTC Course 2007.

उक्त आदेश को संदर्भ में लेते हुए विशेष अनुज्ञा याचिका सं0 11223/2009 उ0प्र0 राज्य व अन्य बनाम भूपेन्द्र नाथ त्रिपाठी में मा0 सर्वोच्च न्यायालय ने एन0सी0टी0ई0 एक्ट–1993 की धारा–14 की समीक्षा प्रस्तर–19 में निम्नवत् की:–

"A plain reading of provisions suggests that all such institutions offering a course or training in teacher education prior to the Act coming into force, are entitled to continue such course or training until the application is disposed of provided such an application has been made within six months from the appointed day. The consequence of not being able to gain recognition is the discontinuance of the course. Once an application seeking recognition has been filed by the institution within the prescribed period of six months the institution is entitled to continue offering a course or training in teacher education until the disposal of the application by the Regional Committee. Once the recognition is granted by the Regional Committee to the institution offering a course or

training in teacher education, the same shall relate back to the date of filing of application. Section 14(5) read with Section 14(1) enables the institution offering a course or training in teacher education on the appointed day to continue the course or training as the case may be during the pendency of the application seeking recognition and even in case of refusal of recognition, the course may have to be discontinued, only at the end of academic session. The institution offering training or course is entitled to award degree or certificate as the case may be."

उक्त निर्णय के प्रस्तर–20 एवं प्रस्तर–21 में राष्ट्रीय अध्यापक शिक्षा परिषद के मत् को भी स्पष्ट किया गया है। प्रस्तर–21 में मा0 सर्वोच्च न्यायालय ने निम्नवत् उधृत किया है:–

"Prior to the enactment of NCTE Act, the degrees such as B.Ed. course for teacher education were being awarded by the Universities or by the recognized institutions by the University Grants Commission or by such bodies as authorized by the University Grants Commission. It is unreasonable to hold that all those degrees granted by the Universities or the bodies authorized by the University Grants Commission as the case may be were of substandard in nature in comparison to those degrees granted by the recognized institutions after the NCTE Act came into force. Such a view may amount to undermining the importance of the university education and the role played by the Universities in promoting the education and educational standards. Each of the Universities have their own systems and mechanism to grant affiliation to the institutions offering courses at the college/University level and grant of affiliation is never considered to be a matter of course. Universities always ensure maintenance of standards and degrees awarded only after successfully completing the prescribed syllabi and the examinations conducted by the Universities. The NCTE Act in no manner makes any distinction between the degrees granted by the Universities or authorized bodies recognized by the University Grants Commission prior to the enactment of the Act and the degrees granted by the recognized institutions after the Act has come into force. NCTE Act provides for the recognition of the institution offering course or training in teacher education and does not speak about recognition of the degrees granted by the institution prior to the Act coming into force. Thus, degrees granted by the institutions already in existence offering a course or training in teacher education shall be deemed to be at par with the degrees or certificates granted by the recognized institutions after the commencement of the Act provided those institutions in existence offering the course also received recognition under the Act."

और उपरोक्त आधार पर मा0 सर्वोच्च न्यायालय ने प्रस्तर–22 में अपना मत् निम्नवत् व्यक्त किया है:–

"In our considered view the State Government cannot make any distinction between the degrees obtained from the existing institutions prior to the Act coming into force but received recognition after the commencement of the Act and the degrees obtained from the recognized institutions after the Act coming into force. It is not shown how such a classification is based on an intelligible differentia and on a rational consideration and further how it bears a nexus to the purpose and object thereof. The impugned action of the State results in the classification or division of members of a homogeneous group and subjecting them to differential treatment without any rhyme or reason."

इस आधार पर मा0 सर्वोच्च न्यायालय ने प्रस्तर–24 में निम्न तथ्य संज्ञान में लिया है:–

"There is no quarrel with the proposition that the State in its discretion is entitled to prescribe such qualifications as it may consider appropriate for candidates seeking admission into BTC course so long as the qualifications so prescribed are not lower than those prescribed by or under the NCTE Act. The State can always prescribe higher qualification, but the argument proceeds on the assumption that B.Ed. qualification obtained from only such of those institutions established and recognized by NCTE after the Act coming into force is higher or superior than the B.Ed. qualification obtained from the Universities or affiliated colleges duly recognized by the University Grants Commission prior to the Act coming into force. What is the rational basis for such a presumption? None. This fact assumes significance particularly in the light of the fact that all the institutions from where the candidates obtained their B.Ed. qualification have themselves received recognition from the Regional Council after the NCTE Act came into force."

और उपरोक्त आधारो पर मा0 सर्वोच्च न्यायालय ने अपने निर्णय दिनांक 29.10.2010 के प्रस्तर 25 द्वारा बृहतपीठ द्वारा लिए गये निर्णय दिनाक 06.01.2009 तथा खण्डपीठ निर्णय दिनांक 31.03.2009 की पुष्टि की है।

पुनः सचिव/प्राचार्य समिति के समक्ष निदेशक राज्य शैक्षिक अनुसंधान और प्रशिक्षण परिषद, उ0प्र0 लखनऊ के पत्रांक राशै0/23734–873/चार–छः/2010–11 दिनांक 02 दिसम्बर 2010 जो प्राचार्य, जिला शिक्षा एवं प्रशिक्षण संस्थान, को सम्बोधित एवं जिलाधिकारी एवं अध्यक्ष जनपदीय चयन समिति (**वि0बी0टी0सी0 प्रशिक्षण 2007**) को पृष्ठांकित है, को जिला चयन समिति के समक्ष प्रस्तुत किया। पत्र के पृष्ठ सं0 3 के प्रस्तर 3 में निम्नलिखित दो बिन्दु स्पष्ट किये गये है–

1. मा0 सर्वो0 न्यायालय के उक्त विवेचना से स्पष्ट है कि मा0 सर्वो0 न्यायालय में एन0सी0टी0ई0 एक्ट 1993 की धारा 14 के सम्दर्भ में ऐसी संस्थाओं के प्रशिक्षण कार्यक्रमों के सम्बन्ध में स्थिति स्पष्ट की है, जो एन0सी0टी0ई0 की स्थापना के पूर्व से ही शिक्षक प्रशिक्षण कार्यक्रम का संचालन कर रहे थे और जिन्हें विश्वविद्यालय अनुदान आयोग से मान्यता प्रदत्त नहीं है तथा जिन्होंनें एन0सी0टी0ई0 के क्रियाशील होने की तिथि के छः माह (समसय) अपने उक्त शिक्षक प्रक्षिण कार्यक्रम की मान्यता हेतु अपना आवेदन पत्र एन0सी0टी0ई0 को प्रस्तुत कर दिया था।
2. ऐसे नवीन शिक्षक प्रशिक्षण कार्यक्रम जो नवीन संस्थाओं द्वारा अथवा ऐसी संस्थाओं द्वारा जिन्हें अन्य शिक्षक प्रशिक्षण कार्यक्रम संचालन हेतु एन0सी0टी0ई0 से मान्यता प्रदत्त थी, को वि0बी0टी0सी0 प्रशिक्षण कार्यक्रम के लिए अर्हता सीमा में न लिए जाने के सन्दर्भ में मा0 सर्वो0 न्यायालय ने कोई टिप्पणी नहीं की है। एन0सी0टी0ई0 के रेगुलेशन दिनांक 27.12.2005 की धारा 8(10) में इस सन्दर्भ में निम्नवत् उल्लेख है–

   “ An institution shall make admission only after it obtains unconditional letter of recognition from the Reginal Committee concerned, and affiliation from the examining body .”

तत्पश्चात् ये निर्देश दिये गये है मा0 सर्वोच्च न्यायालय के आदेश दिनांक 29.10.10 के अन्तर्गत प्रथमतः वि0बी0टीसी0 प्रशि0 2007 के अर्ह अभ्यर्थियों को चिन्हांकित करते हुए उनका प्रशिक्षण यथा शीघ्र प्रारम्भ किया जाना है। उपरोक्त आधार पर सचिव ने राज्य शैक्षिक अनुसंधान और प्रशिक्षण परिषद उ0प्र0 लखनऊ के पत्रांक राशै0/23734–873/चार–छः/2010–11 दिनांक 02 दिसम्बर 2010 में दिये गये निर्देश के अन्तर्गत मा0 सर्वोच्च के आदेश दिनांक 29.10.2010 के अनुपालन में जॉच हेतु अभ्यर्थियों की सूची समिति के अनुमोदनार्थ प्रस्तुत किया। जिला चयन समिति जॉच सूची के अभ्यर्थियों के अभिलेखों की जॉच दिनांक .... तक कराये जाने का निर्णय लेती है।

प्राचार्य/सचिव
जिला शिक्षा एवं प्रशिक्षण संस्थान
रमाबाई नगर

जिला बेसिक शिक्षा अधिकारी
सदस्य/जिला चयन समिति
रमाबाई नगर

जिला विद्यालय निरीक्षक
सदस्य/जिला चयन समिति
रमाबाई नगर

मुख्य विकास अधिकारी
जिला चयन समिति, रमाबाई नगर

जिलाधिकारी/अध्यक्ष
जिला चयन समिति, रमाबाई नगर