



R.P. Sisodia, IAS
Member Secretary

D.O. No. 49-10/2011/NCTE/N&S
16th June, 2011

Dear Sir,

Please refer to your Letter No. 7(1)EE/Plan/2011 dated 1/6/2011 enclosing therewith a copy of the order dated 20/5/2011 of the Division Bench of Rajasthan High Court, Jodhpur in D.B. Civil Writ Petition No. 3964/2011 filed by Shri Sushil Sompura & Others vs. State Education and others. Your letter alongwith the judgement of the Hon'ble High Court of Rajasthan have been examined in the NCTE. Response to main issues is as follows:

1. Minimum %age of Marks:

So far as the issue of securing a minimum percentage of marks at the Senior Secondary / bachelor Degree Level for admission to the BSTC/B.Ed. courses is concerned, on examination, it has been found that factually wrong statement was made before the hon'ble High Court about the minimum qualifying marks required by candidates seeking admission to different teacher training courses. The statement that "for the first time, De-Novo qualifications were prescribed by the NCTE vide notification dated 27.09.2007 and further qualifications were prescribed vide notification dated 31.08.2009" is factually incorrect. Consequently, the Hon'ble High Court has ruled that in case admission has been taken by the incumbents in any of the courses of B.Ed., B.El.Ed. etc prior to aforesaid dates, they shall not insist for having 45% or 50 % marks as the case may be, in qualifying examinations for aforesaid courses.

The NCTE is taking appropriate action against concerned officials involved in making such factually wrong submissions before the Hon'ble High Court. Further, the NCTE is also taking urgent steps to file Review Petition before the Hon'ble High Court seeking review of the aforesaid observations in the orders of the Hon'ble High Court in this regard.

As you are aware the NCTE was established on August 17, 1995. Immediately after its establishment, it took up the task of framing Regulations, norms and standards for various levels of teacher education courses including D.El.Ed., B.Ed and M.Ed. courses. The norms and standards leading to D.El.Ed and B.Ed etc. courses were for the first time notified in the Gazette of India vide Notification dated 24th February 1996 wherein the entry Qualification for admission to D.El.Ed and B.Ed etc. courses was 50% at +2 and 45% at graduation levels respectively.

These norms and standards were revised from time to time and the entry qualification for admission to teacher education courses were revised. Following is a tabular statement giving notification of norms and standards with entry qualification of D.El.Ed, B.El.Ed and B.Ed etc. courses.

Statement indicating various Notifications in Gazettes of India laying down entry qualification to D.El.Ed , B.El.Ed. and B.Ed courses.

Date of Notification/ Amendments of Regulations	Elementary Course/D.Ed/D.El.Ed (in Senior Secondary)	B.El.Ed (in Senior Secondary)	B.Ed (in Bachelor /Master Degree)
Before 24.02.1996	Minimum marks not defined	Course not designed by NCTE	Minimum marks not defined
24.02.1996	50% at Senior Secondary (+2 level)	Course not designed by NCTE	45% at Graduation level
20.03.1999	Not revised	50% at Senior Secondary (+2 level). NCTE First time framed Norms for this course	Not revised
27.03.1999	50% at Senior Secondary (+2 level)	Not revised	45% at Graduation level
03.09.2001	45% at Senior Secondary (+2 level)	Not revised	45% at Graduation level
18.11.2002	45% at Senior Secondary (+2 level)	50% at Senior Secondary (+2 level)	45% at Graduation level
20.07.2006	Not revised	Not revised	50% at Graduation/ Master degree
27.11.2007 (10.12.2007)	50% at Senior Secondary (+2 level)	50% at Senior Secondary (+2 level)	45% at Graduation/ Master degree
31.08.2009	50% Senior Secondary (+2 level)	50% at Senior Secondary (+2 level)	50% at Graduation/ Master degree

The above position may be brought to the notice of the Hon'ble High Court and an application submitted to the Hon'ble High Court for review of the directions not to insist upon the academic qualifications of 45% or 50% marks before 2007 and 2009. It is not known as to how some candidates have been permitted to do B.Ed. etc by the institutions in Rajasthan after 1996 without having minimum 45% or 50% marks. It is also not known as to how many candidates have applied for TET who had completed a teacher education course prior to 1996. It is unlikely that they are still eligible for appointment in terms of age limit.

2. Issues regarding Vidhyarthi Mitras etc.:

as far as the directions of the Hon'ble High Court to NCTE to specify the category of teachers in the State of Rajasthan, which are exempted as per Para 4 of the notification dated 23rd August, 2010, is concerned, the matter has been duly examined in compliance of the direction given by the Hon'ble High Court.

The notification dated 23.08.2010 and particularly clause 4 thereof is very clear and un-ambiguous in relation to category of teachers exempted from the purview of the notification. It is clarified that as per Clause 4, three categories of teachers specified in (a), (b) and (c) who were appointed as teacher for classes I-VIII prior to the notification dated 23.08.2010, do not require the minimum qualification. NCTE is a norm and standard setting body and can not comment upon the service rules followed in different states for appointment of teachers. Service rules and conditions have always remained within the purview of the state governments. The SSA framework (page 161) mentions clearly that "teachers will be recruited as per terms and conditions of the respective states/UTs. Right to Education Act, 2009 also states in Section 23 (3) that "the salary and allowances payable to, and terms and conditions of service of teachers shall be such as may be prescribed. The power to frame rules is with the appropriate government, which in this case, is the state government.

Moreover, it is therefore, for the State Government to decide whether these teachers were appointed under the service rules extant at that time or not. The Notification of NCTE only can prescribe minimum qualifications and exemptions, but the state government has to decide whether these teachers are eligible for exempted under Para 4 of the Notification.

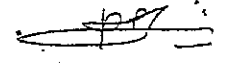
3. Adding B.Com. as a qualification for TET:

Regarding inclusion of the B.Com degree holders to the Minimum Qualifications for appointment as elementary school teachers, the NCTE has issued instructions earlier which are uploaded on the NCTE website. A notification is being issued in this regard and will be published in the Gazette as soon as possible.

The State Government is requested to take necessary action accordingly.

With regards

Yours Sincerely


(R.P.Sisodia)

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