

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Writ Petition No.16628 of 2015

Date of decision: 20.10.2016

Kirti College of Education, Gohana and another

...Petitioners

Versus

Maharshi Dayanand University, Rohtak and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Praveen Gupta, Advocate for the petitioners.

Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate for respondent no.1.

None for respondent no.2.

Mr. Prikshit Dhull, Advocate for
Mr. Tribhuvan Dahiya, Advocate for respondent no.3.

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek quashing of order dated 3.8.2015 (Annexure P/15) whereby respondent-University in view of the decision taken by the Northern Regional Committee of National Council for Teacher Education-respondent no.2 (hereinafter referred to as “the NCTE”) in its 240th meeting held on 20th to 22nd July, 2015 (Annexure P/13), had decided to exclude the name of the petitioner colleges from the list of colleges affiliated to the respondent-University for the academic sessions 2015-16. The decision of the University was thus based on account of withdrawal of the recognition of the two petitioner-colleges which was being done by NCTE.

It is matter of fact that in the subsequent 241st meeting of NCTE held on 3rd to 7th August, 2015 (Annexure P/18), it had modified its earlier decision and directed that Visiting Team would be constituted to

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16.10.2016
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Punjab and Haryana High Court,
Chandigarh

verify the infrastructure, instructional facilities as well as Staff position before deciding withdrawal of recognition under Section 17 of the NCTE Act. The relevant agenda reads as under:-

“46/HR-854/B.Ed.	The original file of the Institution alongwith other related documents, NCTE Act, 1993, Regulations were carefully considered by NRC and following observation was made. On the basis of the complaint received from the University dated 12.2.2015, SCN was issued by NRC on 12.5.2015, reply of the show cause notice was received on 17.6.2015. The matter was placed before the NRC in its 240th meeting, NRC decided to withdraw the recognition of the institution of B.Ed., course from the end of the academic session next following the date of order of withdrawal, on the following grounds: The list of teachers submitted by the institution has not been approved by the affiliating university. The staff engaged by the institution is being paid salary in cash which is in violation of NCTE Regulations, 2014. The affiliating University vide its letter dated 12.2.2015 has recommended that the recognition of the college be withdrawn by the NCTE. FDRs, if any be returned to the institution.	The original file of the Institution alongwith other related documents, NCTE Act, 1993, Regulations were carefully considered by NRC and following observation was made. On the basis of the complaint received from the University dated 12.02.2015, SCN was issued by NRC on 12.5.2015, reply of the show cause notice was received on 19.6.2015. The Committee decided that the Visiting Team would be constituted to verify the infrastructure, instructional facilities as well as Staff position before deciding withdrawal of recognition under Section 17 of the NCTE Act.”
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In case of the petitioner no.2-College similar is the position also.

The said decision was noticed while granting interim protection to the petitioners on 13.8.2015 also.

In reply filed by respondent no.2-NCTE, the stand of the petitioners was admitted and it was further mentioned that the Visiting Team has not been constituted and necessary steps have been taken for the constitution of the Visiting Team.

The stand of the respondent no.1-University is also similar that on account of withdrawal of recognition by NCTE, action proposed by the Academic Council was approved by the Executive Council of the University vide resolution Nos.48 and 59 in its meeting held on 3.8.2015. The petitioner college was thus deficient and therefore, action has been taken.

Keeping in view the subsequent events which had taken place and on account of the fact that respondent no.2-NCTE itself is yet to take a final decision on the withdrawal of the recognition, this Court is of the opinion that the impugned order dated 3.8.2015 (Annexure P/15) is not justified since the basis of the order was the decision taken in 240th meeting of the NCTE held on 20th to 22nd July, 2015 which was modified by the NCTE itself in its 241st meeting held on 3rd to 7th August, 2015 (Annexure P/18). The issue of withdrawal of recognition is still pending consideration by the recognizing authority which would be clear from the reproduction above.

Resultantly, the present writ petition is allowed. The impugned order dated 3.8.2015 (Annexure P/15) is quashed. However, it will be open to respondent no.2-NCTE to act upon the decision taken its 241st meeting held on 3rd to 7th August, 2015 and make a re-inspection. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

In case any adverse action is to be taken on the basis of any

inspection report, the procedure prescribed as per the NCTE Act, Rules and Regulations will be followed by the NCTE. The University will be free to act in accordance thereafter as per the rule and regulations.

The interim order dated 13.8.2015 is affirmed and all the admissions made by virtue of the said interim order shall stand regularized. The students admitted vide interim order will be given necessary degrees if they have duly qualified.

October 20, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No