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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 319/2018 & CM APPL. 23957-59/2018

VEER BAHADUR SINGH DEGREE COLLEGE ..... Appellant

Through: Mr. Amitesh Kumar, Ms. Binisa  
Mohanty and Ms. Priti Kumari,  
Advocates.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR

..... Respondents

Through: Ms. Arunima Dwivedi, Standing  
Counsel with Mr. Kanishk Sharma,  
Advocate for R-1.

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MR. JUSTICE A. K. CHAWLA**

**ORDER**

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**31.05.2018**

Issue notice.

Ms. Arunima Dwivedi, Standing Counsel for respondent no.1-  
National Council for Teacher Education ('NCTE') accepts notice.

The appellant's grievance is that by the impugned order the  
learned Single Judge refused to remit the question of recognition of  
the Institution. The recognition was withheld on the ground that the  
appellant had admitted students in excess of its permitted intake.

The appellant had relied upon the judgment of the Allahabad  
High Court in W.P. (C) 66541/2014 decided on 05.05.2017, W.P.(C)  
27843/2015, W.P.(C) 32348/2015 and W.P.(C) 33600/2015 decided

on 26.05.2017, where the matter was remitted for reconsideration to the Northern Regional Committee (NRC) of the NCTE i.e. the first respondent. The learned Single Judge declined to grant similar relief on the narrow premise that the facts disclosed that the petitioner had admitted students in excess of its permitted quota.

We have heard the learned counsel for the parties.

Learned counsel for respondent no.1 has submitted that the learned Single Judge's order cannot be faulted and that in any event the petitioner should not have approached this Court given that the appellant-college is located in Uttar Pradesh (U.P.). The materials on record show that the Allahabad High Court had dealt with identical set of facts and required the NRC to revisit the issue. Since the nature of the directions i.e. the examination, based upon the NCTE's prevailing policies, was limited, the over emphasis by the learned Single Judge with respect to the intake, in our opinion, was not an appropriate approach. In the circumstances, the issue is remitted for reconsideration by the NRC of the NCTE (first respondent) who may pass appropriate orders in accordance with law in this regard with respect to the recognition of the appellant's college after taking into account its views and granting it appropriate hearing. The appeal is allowed in the above terms.

**S. RAVINDRA BHAT, J**

**A. K. CHAWLA, J**

**MAY 31, 2018/nn**