

#58

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 05.09.2018

W.P.(C) 9165/2018

ARYAN COLLEGE OF EDUCATION & ANR

..... Petitioners

versus

**NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR**

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Amitesh Kumar, Ms. Binisa Mohanty and Ms. Priti Kumari,
Advocates

For the Respondents : Ms. Arunima Dwivedi, Standing Counsel, NCTE

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

CM APPL.35337/2018 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

**W.P.(C) 9165/2018, CM APPL.35368/2018 (Directions) & CM
APPL.35338/2018 (Lengthy Synopsis)**

1. The present petition under Article 226 of the Constitution of India prays as follows:-

- “a) quash and set aside the impugned withdrawal order dated 08.01.2018 issued by the Regional Director of WRC of NCTE; and/or
- b) quash and set aside the impugned appeal order dated 13.08.2018 passed by the Appeal Committee of NCTE; and/or
- c) direct the WRC of NCTE to restore the recognition of petitioner No.1 institution for conducting B.Ed. course for 100 seats (2 units) for the present academic session 2018-19; and/or
- d) pass any such other orders/directions as this Hon’ble Court deems fit and proper in the facts and circumstances of the case.”

2. Mr. Amitesh Kumar, learned counsel appearing on behalf of the petitioner institution, however, limits the relief in the present petition to a direction to the official respondents to conduct a fresh inspection to verify the existing faculty; absence of which is the solitary ground, on which the Appellate Committee of the National Council for Teacher Education (hereinafter referred to as the ‘said Committee’) has declined to restore the recognition granted to the petitioner institution for conducting B.Ed. course for 100 seats (2 units) for the academic session 2018-19.

3. Mr. Amitesh Kumar, learned counsel appearing on behalf of the petitioner institution invites my attention to the additional affidavit filed on

their behalf as Volume-II, and in particular Annexure A-1 thereof, to urge that, the approved list of the teaching staff, which has been appended thereto, had been submitted to the said Committee on 18.06.2018, subsequent upon a hearing afforded to them by the latter on 30.05.2018, but prior to the date of determination on their appeal on 13.08.2018.

4. In other words, it is urged that, the said Committee despite having the benefit of the approved list of faculty, submitted by the petitioner institution, as aforestated, did not consider the same, whilst disposing of the subject appeal and denying grant of restoration of recognition to them, on the solitary ground that, the approved list of faculty had neither been filed nor was the same verified, in accordance with law.

5. Mr. Amitesh Kumar, learned counsel appearing on behalf of the petitioner institution would also urge that, the said Committee does not possess the power of review and, therefore, it would be appropriate, given the facts and circumstances, as elaborated hereinabove that, they are directed to conduct a fresh verification of the teaching faculty of petitioner institution, and thereafter take a decision in relation to the grant of restoration of recognition, as sought.

6. *Per contra*, Ms. Arunima Dwivedi, learned counsel appearing on

behalf of NCTE invites my attention to the order of the said Committee, impugned in the present writ petition to urge that, the regulatory authority is required by law to ensure that, the academic faculty possessing the requisite qualification and experience have been duly selected and are actually in position during the academic year.

7. In this behalf, it is further stated that, the petitioner institution was duty bound to inform them about the selection process and satisfy them *qua* the faculty actually being in possession, by filing cogent material, including salary slips of the faculty in that behalf.

8. It is lastly urged that, it is on account of the inability of the petitioner institution to submit the approved list of faculty to the Western Regional Committee that, the said Committee came to a conclusion that the petitioner institution were bereft of the required faculty.

9. Having heard learned counsel appearing on behalf of the parties and perused the material on record, it is evident that although, the case of the petitioner institution is that, they have duly selected the academic faculty, in accordance with the extant rules, and the same are in position for the academic year; owing to the circumstance that, the approved list of faculty was filed subsequent upon the hearing of the appeal but prior to the

determination thereof, the same could not be accorded due weightage by the said Committee.

10. In that view of the matter, it is considered just, necessary and expedient to direct the said Committee to reconsider the grant of permission to the petitioner institution, after conducting a fresh verification of the latters' faculty, in accordance with law, at the cost and expense of the petitioner institution, as expeditiously as possible and preferably within a period of four weeks from today.

11. With the above directions, the writ petition is disposed of. The pending applications also stand disposed of.

**SIDDHARTH MRIDUL
(JUDGE)**

SEPTEMBER 05, 2018

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