

\$~75

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

+ W.P.(C) 10438/2019 & CM No.43104/2019

Date of decision: 25 September 2019

STAR COMPUTER EDUCATIONAL SOCIETY & ANR.

Petitioners

Through: Mr. Amitesh Kumar, Adv.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR.

..... Respondents

Through: Ms. Arunima Dwivedi with Mrs.
Preeti Kumar Nanda, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL):

1. Issue notice.
2. Mr. Arunima Dwivedi accepts notice for the respondents.
3. Ms. Dwivedi says that she would argue the matter on the basis of record presently available with the Court.
 - 3.1 Given this position, with the consent of counsel for parties, matter is taken up for final disposal.
4. In this petition, challenge is laid to the decision taken by the Western Regional Committee (in short "WRC") of the National Council for Teacher Education (in short "NCTE") in its 310th Meeting held between 19th to 21st August, 2019.
5. By virtue of the impugned decision, the recognition given to the petitioner No.2 institute to conduct the B.Ed. course stands withdrawn. The reason given in the impugned order for withdrawing the recognition is two folds:

(i) First, that the petitioner No.2 institute had not furnished their reply to the show cause notice (SCN) dated 21.12.2016 within the stipulated timeframe i.e. 30 days.

(ii) Second, that the staff profile for approved intake was not submitted and that the Building Completion Certificate, CLU and building plan were also not submitted.

6. The record shows that the reply to the aforementioned SCN was received by the WRC on 31.1.2017. As a matter of fact, only 21 days were given to the petitioners to file a reply and not 30 days as is mentioned in the impugned proceedings. Notably, in the SCN, reference is only made to the fact that the petitioners were required to furnish in original the staff profile for approved intake of (1-Principal/HOD+15-Faculties) for the academic session 2015-16 duly approved by the affiliating body. In other words, there was no SCN with regard to the other documents, which are referred to in the impugned order.

7. It is the case of the petitioners that the other documents i.e. Building Completion Certificate, building plan, LUC were furnished to the WRC along with communication dated 31.1.2017. The communication is appended at Pg.132 of the paper book.

8. Given these circumstances, in my view, best way forward would be to set aside the impugned decision.

9. The WRC will reexamine the matter and give a fresh personal hearing to the authorized representatives of the petitioners in the matter.

10. The petitioners will furnish in original not only the documents referred to in the show cause notice i.e. approved staff profile, but also will furnish the original the documents referred to in the impugned order. Besides this, the WRC will have liberty to seek other documents, if necessary, by serving upon the petitioners a communication in writing in that behalf. The communication will also indicate as to whether or not the additional

documents sought for are to be furnished in original.

11. Clearly, as would be evident from the facts recorded hereinabove, the impugned decision adverted to documents which did not form part of the show cause notice.

12. Therefore, I am constrained to issue the directions which are adverted to hereinabove.

13. The WRC will pass a speaking order. A copy of the same will be furnished to the petitioners. In case the decision taken by the WRC is adverse to the interest of the petitioners, they will have liberty to assail the same as per law.

14. The writ petition is disposed of in the aforementioned terms.

15. Consequently, pending interlocutory application shall stand closed.

.

RAJIV SHAKDHER, J

SEPTEMBER 25, 2019

pmc