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

+ **W.P.(C) 10420/2019 & CM No.43021/2019**

Date of decision: 25 September 2019

KANHA EDUCATION SOCIETY AND ANR. Petitioner
Through: **Mr. Amitesh Kumar, Adv.**

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION
AND ANR. Respondent**
Through: **Ms. Arunima Dwivedi with Mrs.
Preeti Kumar Nanda, Adv.**

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL):

CM No.43019/2019
CM No.43020/2019

1. Allowed, subject to just exceptions.

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2. Issue notice.

3. Mr. Arunima Dwivedi accepts notice for the respondents.

4. Ms. Dwivedi says that she would argue the matter on the basis of record presently available with the Court.

4.1 Given this position, with the consent of counsel for parties, matter is taken up for final disposal.

5. Via the instant writ petition, challenge is laid to the order dated 5.9.2019 passed by the Western Regional Committee (in short "WRC") of the National Council for Teacher Education (in short "NCTE"). By virtue

of the order dated 5.9.2019, the recognition given to the petitioner No.2 institute to conduct the B.Ed. course stands withdrawn. The reasons furnished in the impugned order are twofold:

- (i) First, the petitioners had not replied to the show cause notice dated 28.2.2017 within the stipulated time i.e. 30 days.
- (ii) Second, that the original documents pertaining to Building Completion Certificate and CLU were not furnished.

6. The petitioners claim otherwise. It is the case of the petitioners that they had furnished a compliance letter dated 30.10.2015 even prior to the issuance of SCN dated 28.2.2017. It is also the case of the petitioners that after the issuance of the SCN dated 28.2.2017, a reply was furnished on 11.1.2018 *albeit* beyond the period prescribed in the aforementioned SCN. The petitioners claim that a communication dated 19.8.2018 was received from the WRC against which a reply dated 24.7.2018 was submitted, which was accompanied by relevant documents.

7. It is, therefore, the stand of the petitioners that all these aspects were not taken into account by the WRC before passing the impugned order.

7.1 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.

8. In my view, the best way forward would be for the WRC to revisit the issue of withdrawal of recognition order as it leads to drastic civil consequences.

9. Therefore, the impugned order is set aside.

10. The WRC will fix a date, time and venue for a fresh hearing. The WRC will also be at liberty to issue a fresh communication to the petitioner detailing out therein as to the documents, if any, which it would like to examine apart from those which were the subject matter of SCN dated 28.2.2017. The replies, if any, already on record, shall be considered by the WRC. The WRC will also give a fresh opportunity to place on record

circumstances which have obtained after the issuance of SCN dated 28.2.2017.

11. In case the documents are required in original, this fact will be mentioned by the WRC to its communication addressed to petitioner.

12. After hearing the authorized representatives of the petitioners, the WRC will pass a speaking order. A copy of the same will be furnished to the petitioners.

13. In the event, if the final determination made by the WRC is adverse to the interest of the petitioners, they would 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

