

\$~78

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

+ **W.P.(C) 10443/2019 & CM Nos.43127-29/2019**

Date of decision: 25 September 2019

VINDHYA EDUCATION SOCIETY AND 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):

CM No.43127/2019

CM No.43129/2019

1. Allowed, subject to just exceptions.

W.P.(C) 10443/2019 & CM Nos.43128/2019

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 this petition, the 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.

6. By virtue of this order, recognition given to the petitioners for intake of 100 students in B.Ed. course has been withdrawn. Petitioner No.2 institute, prior to the withdrawal of recognition, had permission to admit 100 students in the said course.

7. A perusal of the impugned decision would show that the WRC ordered withdrawal of recognition on the following grounds:

- (a) That the reply to the show cause notice dated 10.8.2016 (SCN) was not furnished in the stipulated time i.e. 30 days.
- (b) That the staff profile was not furnished in the prescribed format along with percentage of marks.
- (c) FDRs were not furnished.
- (d) The documents viz. staff profile for the academic session 2015-16 duly approved by the affiliation body; CLU/NEC/building plan and building completion certificate - were not given in original.

8. 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.

9. Furthermore, the case of the petitioners is that even prior to the issuance of SCN on 28.10.2015, copies of the following documents were supplied:

- (a) Land document; (b) Encumbrance certificate [(sic) Non-encumbrance certificate]; (c) Land Use Certificate; (d) Building Map; and (e) Staff list.

10. It is also the petitioners' case that even after the show cause notice was served upon them on 17.9.2016, the following documents were furnished:

- (a) Staff profile; (b) Copy of CLU; (c) Building plan/building completion certificate; (d) Encumbrance certificate (sic) non-encumbrance certificate; and (e) a copy of the old receiving letter dated 28.10.2015.

11. Clearly the aforesaid documents which could have a bearing on the final outcome have not been taken into account.

11.1 Given the aforesaid circumstances, according to me, the best way forward would be to direct the WRC to reexamine the case of petitioners.

12. Accordingly, the impugned decision taken by the WRC is set aside. The WRC will rehear the authorized representatives of the petitioners. The date, time and venue will be fixed for personal hearing, which would be accorded to the authorized representatives of the petitioners. The petitioners will place before the WRC, in original, documents referred to in the impugned decision as well as those, which are adverted to in the SCN.

13. The WRC will also have the discretion to seek further documents, if required, from the petitioners. If a step is taken in that behalf, WRC will serve a communication on the petitioners. The communication will also indicate as to whether or not the petitioners will require to furnish the documents in original. After hearing the authorized representatives of the petitioners, a speaking order will be passed. A copy of the same will be furnished to the petitioners.

14. 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.

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

16. Consequently, the pending interlocutory application shall stand closed.

RAJIV SHAKDHER, J

SEPTEMBER 25, 2019

pmc