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

+ W.P.(C) 10412/2019 & CM No.42994/2019

Date of decision: 25 September 2019

**KASHYAP SMRITI SHIVAJI SHIKSHA
SAMITI 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):

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. The petitioner, in this case, is aggrieved by 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. The decision that was taken qua the petitioner led to withdrawal of the recognition of petitioner No.2 institute for conducting the B.Ed. course.

5. A perusal of the impugned proceedings, insofar as it relates to the petitioners, shows that the withdrawal of the recognition was ordered on account of singular reason, which is, that the show cause notice dated 10.2.2017 (SCN) issued by WRC, which had not been replied by the petitioners.

5.1 It is the case of the petitioners that it did not receive the SCN.

5.2 There is nothing stated in the impugned decision which would demonstrate service of the SCN. The WRC in concluding that because the reply to the SCN was not found on record, recognition should be withdrawn, has as it appears, jumped a step by assuming that it was served.

6. Given the fact that the withdrawal of recognition has led to severe civil consequences for the petitioners, the more appropriate and constructive approach would have been to serve a copy of the SCN once again on the petitioners and thereupon given them an opportunity to file a reply.

7. Therefore, in the given case, the impugned decision taken qua the withdrawal of recognition of petitioner No.2 institute is set aside.

8. The WRC will once again furnish a copy of the aforementioned SCN to the petitioners.

8.1 The petitioners will file a reply to the SCN within a period of 15 days of a SCN being served on the petitioner.

8.2 If necessary, the WRC will also indicate to the petitioner as to the documents that they would want to examine at the time of adjudication of the SCN.

8.3 Besides this, it will also be communicated to the petitioners as to whether or not the documents sought for are to be brought in original.

8.4 Due opportunity will be given as a personal hearing in the matter to the authorized representative of the petitioners.

8.5 The WRC will pass, after hearing the authorized representatives of the

petitioners, a speaking order. A copy of the speaking order will be furnished to the petitioners.

9. Needless to say, if the petitioners are aggrieved by the final determination made by the WRC, they will have liberty to take recourse to an appropriate remedy as per law.

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

11. Consequently, pending interlocutory application shall stand closed.

RAJIV SHAKDHER, J

SEPTEMBER 25, 2019/pmc

