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

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Date of Decision: 18.10.2019

+ **W.P.(C) 8820/2019**

SIR CHHOTU RAM JAT COLLEGE
OF EDUCATION

..... Petitioner

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

..... Respondent

+ **W.P.(C) 8821/2019**

SITA RAM ARYA COLLEGE OF EDUCATION

..... Petitioner

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
AND ANR.

..... Respondent

+ **W.P.(C) 8828/2019**

SIR CHHOTU RAM JAT COLLEGE OF
EDUCATION

..... Petitioner

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
& ANR.

..... Respondent

+ **W.P.(C) 5667/2019**

LT MAHIPAT SINGH COLLEGE OF EDUCATION Petitioner

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR.

..... Respondent

+ **W.P.(C) 6221/2019**

MAHARAJA AGRASAIN COLLEGE
OF EDUCATION

..... Petitioner

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR

..... Respondent

- + **W.P.(C) 6224/2019**
AAKASH COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 6278/2019**
AAKASH COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 8542/2019**
BIYANI INSTITUTE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 4899/2018**
MINERVA COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 7256/2018**
G D COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 7980/2018**
OM COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent

- + **W.P.(C) 7999/2018**
RAJWANSHI COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 8000/2018**
R. B. COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 8001/2018**
INDERPRASTHA COLLEGE OF EDUCATION..... Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 8019/2018**
I. P. TEACHER TRAINING INSTITUTE Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 8499/2018**
G. R. COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 8511/2018**
YADUVANSHI EDUCATION COLLEGE Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent

- + **W.P.(C) 8527/2018**
L.A. COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 8531/2018**
SANSKAR STC COLLEGE Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 9795/2018**
BABA SHIRDI NATH EDUCATION COLLEGE..... Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 10269/2018**
ADARSH D.ED. COLLEGE Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 11924/2018**
DIVYAM COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 11961/2018**
SARASATI EDUCATION COLLEGE Petitioner
versus
NATIONAL COUNCIL FOR TEACHER

	EDUCATION & ANR	 Respondent
+	W.P.(C) 11973/2018	
	GENIUS D. ED COLLEGE	 Petitioner
	versus	
	NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.	 Respondent
+	W.P.(C) 11978/2018	
	RBS COLLEGE OF EDUCATION	 Petitioner
	versus	
	NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR	 Respondent
+	W.P.(C) 11980/2018	
	GENIUS COLLEGE OF EDUCATION	 Petitioner
	versus	
	NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.	 Respondent
+	W.P.(C) 11982/2018	
	SUMITRA DEVI COLLEGE OF EDUCATION.....	Petitioner
	versus	
	NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR	 Respondent
+	W.P.(C) 11985/2018	
	DPM STC COLLEGE	 Petitioner
	versus	
	NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR	 Respondent
+	W.P.(C) 11987/2018	
	SMT. G.D. SHIKSHA SANSTHAN	 Petitioner
	versus	

- NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 11989/2018**
ASHNA COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 12666/2018**
ARYA COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 12669/2018**
ARYA COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 12687/2018**
G M COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent
- + **W.P.(C) 12688/2018**
GITANJALI COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 12720/2018**
BHAJ SURENDER KUMAR MEMORIAL COLLEGE OF EDUCATION
..... Petitioner

- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 12740/2018**
ARYA COLLEGE OF EDUCATION Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 12743/2018**
SHAHEED BHAGAT SINGH COLLEGE
OF EDUCATION Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 12750/2018**
DR. B. R AMBEDKAR COLLEGE OF EDUCATION..... Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 12753/2018**
SSM COLLEGE OF EDUCATION Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 12756/2018**
KITHANA COLLEGE OF EDUCATION Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 12843/2018**

NATIONAL INSTITUTE OF ENGINEERING,
TECHNOLOGY AND MANAGEMENT SOCIETY
AND ANR. Petitioner

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent

+ **W.P.(C) 12867/2018**

GANPATI SHIKSHA SAMITI & ANR. Petitioner

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR. Respondent

+ **W.P.(C) 12952/2018**

SIR CHHOTU RAM COLLEGE OF EDUCATION..... Petitioner

versus

NATIONAL COUCIL FOR TEACHER
EDUCATION AND ANR. Respondent

+ **W.P.(C) 13037/2018**

GEETANJALI SHIKSHA SAMITI AND ANR..... Petitioner

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent

+ **W.P.(C) 13152/2018**

BHARTIYA KISAN SANSTHAN Petitioner

versus

NATION COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent

+ **W.P.(C) 13157/2018**

M D COLLEGE OF EDUCATION Petitioner

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondent

- + **W.P.(C) 13168/2018**
INDIAN COMPUTER EDUCATION SOCIETY..... Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 13755/2018**
ADARSH SUBHASH TAYAL COLLEGE OF
EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 13784/2018**
MDS COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 50/2019**
KINDER KIN COLLEGE OF EDUCATION Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 4433/2019**
SMT. KELA DEVI EDUCATION
SOCIETY AND ANR Petitioner
versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 250/2019**
NIKHIL DANGI Petitioner
versus

- NATIONAL COUNCIL FOR TEACHER
EDUCATION & ORS Respondent
- + **W.P.(C) 251/2019**
- LAKSHAY COLLEGE OF EDUCATION Petitioner
- versus
- NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 254/2019**
- GEETA INSTITUTE OF EDUCATION Petitioner
- versus
- NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 899/2019**
- SWAMI DAYANAND EDUCATIONAL TRUST..... Petitioner
- versus
- NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ORS. Respondent
- + **W.P.(C) 256/2019**
- DOON VALLEY INSTITUTE OF EDUCATION..... Petitioner
- versus
- NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 370/2019**
- P. M COLLEGE OF EDUCATION Petitioner
- versus
- NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 374/2019**
- VIDYA BHARTI COLLEGE OF EDUCATION..... Petitioner

- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 408/2019**
INDIAN COLLEGE OF EDUCATION Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 409/2019**
PURAN MURTI COLLEGE OF DIPLOMA
EDUCATION Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 410/2019**
RAO JITENDRA SINGH COLLEGE
OF EDUCATION Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 1736/2019**
GLOBAL INSTITUTE OF EDUCATION Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent
- + **W.P.(C) 1824/2019**
SMT. KELA DEVI EDUCATION
SOCIETY AND ANR. Petitioner
- versus
NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondent

+ **W.P.(C) 1855/2019**

PARAMHANS EDUCATION SOCIETY AND ANR..... Petitioner

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR.

..... Respondent

Counsel for the Petitioners: Mr. Sanjay Sharawat with Mr. Divyank Rana and Mr. Ashok Kumar, Advs.; Mr. Amitesh Kumar with Ms. Binisa Mohanty and Ms. Priti Kumari, Advs.; Mr. Mayank Manish with Mr. Ravi Kant, Advs.; Mr. Abhishek Singh, Adv.; Mr. Rajnish K. Jha, Adv; Mr. Mahesh Kumar; Mr. Saurabh Malhotra, Adv.

Counsel for the Respondents: Ms. Arunima Dwivedi with Mrs. Preeti Kumra Nanda, Advs. for NCTE; Mr. Naresh Kaushik with Mr. Dhruv Joshi, Advs.; Mr. Shivam Singh with Mr. Jaideep Khanna, Adv; Mr. Samar Vijay Singh, Adv. for State of Haryana; Mr. Karan Sharma with Ms. Momti Siwach, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

JUSTICE RAJIV SHAKDHER (ORAL):

CM No.49825/2018 in W.P.(C) 12843/2018

CM No.49867/2018 in W.P.(C) 12867/2018

CM No.50626/2018 in W.P.(C) 13037/2018

CM No.19710/2019 in W.P.(C) No.4433/2019

CM No.8661/2019 in W.P.(C) No.1855/2019

1. Allowed, subject to just exceptions.

W.P.(C) No.8820/2019, 8821/2019, 8828/2019, 5667/2019, 5667/2019, 6221/2019, 6224/2019, 6278/2019, 8542/2019, 4899/2018, 7256/2018, 7980/2018, 7999/2018, 8000/2019, 8001/2018, 8019/2018, 8499/2018, 8511/2018, 8527/2018, 8531/2018, 9795/2018, 10269/2018, 11924/2018, 11961/2018, 11973/2018, 11978/2018, 11980/2018, 11982/2018, 11985/2018, 11987/2018, 11989/2018, 12666/2018, 12669/2018, 12687/2018, 12688/2018, 12720/2018, 12740/2018, 12743/2018, 12750/2018, 12753/2018, 12756/2018, 12843/2018, 12867/2018, 12952/2018, 13037/2018, 13152/2018, 13157/2018, 13168/2018, 13755/2018, 13784/2018, 50/2019, 4433/2019, 250/2019, 251/2019, 254/2019, 899/2019, 256/2019, 370/2019, 374/2019, 408/2019, 409/2019, 410/2019, 1736/2019, 1824/2019 & 1855/2019

2. Counsel for the parties agree that individual facts of the case need not be discussed.

3. The core issue which arises for consideration in these matters is as to whether the applications for recognition of courses filed by the petitioners in 2012, that is, prior to the ban being imposed by various State Governments for establishing new institutions and commencement of courses could have been considered by the National Council for Teacher Education (in short “NCTE”).

4. The record shows that there has been up and down qua this issue since 2013. To be noted, because of the ban imposed by various State Governments, NCTE issued a directive on 20.3.2013 asking various Regional Committees to return, without exception, the applications of the concerned institutions.

4.1 Consequent thereto, the Regional Committees at their 214th Meeting (held between 24th and 25th April 2013) took the decision to return the applications.

4.2 Formal orders were also passed by the Regional Committees in line with the decision taken in the aforementioned meeting.

4.3 This move triggered litigation, whereby, the concerned institutions, ultimately, ended up in this Court.

4.4 Some of these institutions succeeded in their writ petitions which resulted in the NCTE’s appeal committee being directed to reconsider the applications without being burdened by the ban imposed by the State Governments. One such order was passed by a Single Judge of this Court on 29.1.2018, in W.P.(C) No.119/2018.

4.5 Because of this order and several other similar orders passed by this Court, the petitioners in the captioned writ petitions also approached this Court.

5 It appears, in the meanwhile, the Supreme Court in the matter of ***Maa Vaishno Devi Mahila Mahavidyalaya vs. The State of Uttar Pradesh & Ors.*** passed an order dated 18.7.2018, in M.A.No.1175/2018, preferred in Writ Petition (Civil) No.(s) 276 of 2012. Via this order, the Supreme Court ruled that the

application filed i.e. M.A. No.1175/2018 in Writ Petition (Civil) No.(s) 276 of 2012, could not be entertained and, hence, declined the relief to the concerned applicant.

5.1 Pertinently, while passing the order, the Supreme Court extracted paragraphs from the counter affidavit filed by the NCTE. One of the paragraphs, which was extracted, alluded to the ban imposed by the State Government(s) on entertaining the application for setting up new educational institutions.

5.2 On the strength of this order, the NCTE persuaded this Court in W.P.(C) No.10551/2018, titled ***Saraswati Deep College of Education vs. National Council for Teacher Education and Anr.*** to decline the relief, which, as noted above, had been earlier granted by a coordinate Bench of this Court.

5.3 The learned Single Judge in the judgment dated 5.10.2018, extracted the order dated 18.7.2018, passed in ***Maa Vaishno Devi Mahila Mahavidyalaya*** case. The judgment of the Single Judge was carried in appeal. The Division Bench of this Court vide judgment dated 31.10.2018, passed in LPA No.619/2018, rejected the appeal and, thus, sustained the order of the learned Single Judge.

6 I am told that the appellant i.e. ***Saraswati Deep College of Education***, also filed a review petition with the Division Bench, which met with the same fate. The review petition was dismissed by the Division Bench vide order dated 3.12.2018.

7 The aggrieved party i.e. ***Saraswati Deep College of Education***, carried the matter in appeal to the Supreme Court. The Supreme Court via an order dated 29.7.2019, passed in Civil Appeal No.5923-5924 of 2019, titled ***Saraswati Deep College of Education vs. National Council for Teacher Education & Anr*** set aside the aforementioned orders passed by the Division Bench and the Single Judge. The order dated 29.7.2019 passed by the Supreme Court reads as follows:

“Having heard learned counsel for the parties, we are of the view that the impugned orders passed by the High Court dismissing the appellant's case on the basis of a ban on setting up new Colleges falls foul

of our earlier orders dated 06.08.2018 in W.P.(C)No. 564 of 2018 and 10.09.2018 in W.P. (C)No. 966 of 2018. As a result, these impugned orders stand set aside.

The appellant's application that is pending before the authorities may now be disposed of on merits.

The appeals stand disposed of.”

8 It is in these circumstances, the counsel for the respondents have argued that the matter is covered by the order of the Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya*** case and, therefore, no relief ought to be granted to the petitioners.

9 Thus, as is evident, both sides rely upon orders passed by the Supreme Court, *albeit*, in two separate matters.

9.1 Given this situation, in my view, the submission advanced on behalf of the respondents would have to be examined bearing in mind not only the order dated 18.7.2018, passed in ***Maa Vaishno Devi Mahila Mahavidyalaya*** case but also the relief sought in the application placed before the Court in that matter. The prayer made in the application is extracted in the order 18.7.2018. For the sake of convenience, the same is extracted hereafter:

“(a) Allow the present application by relaxing and extending the last date the cut off date for grant of recognition as 15.05.2018 and for grant of affiliation as 31.05.2018 for the present academic session 2018-19;”

10 A perusal of the prayer clause would show that the Court was only concerned with the issue as to whether the cut-off date for recognition and grant of affiliation should be extended in respect of academic session 2018-19.

11 As adverted to above, while disposing of the application, paragraphs contained in the counter affidavit of the NCTE were quoted which, *inter alia*, included the following paragraph:

“...9. In addition to the aforesaid communications received from the State of Haryana, it is most important to point out to this Hon’ble Court that NCTE also decided not to invite/accept any applications for

recognition of new TEIs from certain states including Haryana from academic year 2010-11 till the next academic year 2019-20, and it has been issuing public notices from time to time to communicate the said decision. The said action has been taken in order to regulate growth of teachers education at all levels on the basis of recommendation received from State Government and U.T.'s."

11.1 Based on this paragraph, which forms part of the order dated 18.7.2018, the respondents contend that the issue which arises in the present proceedings is also covered by the judgment in ***Maa Vaishno Devi Mahila Mahavidyalaya*** case.

12 As observed above, the issue which arises for consideration in the present proceedings was squarely placed for adjudication before a Single Judge and Division Bench of this Court in ***Saraswati Deep College of Education vs. National Council for Teacher Education & Anr.*** Both the Single Judge as well as the Division Bench while declining relief to the petitioner/appellant relied upon the judgment dated 18.7.2018, passed in ***Maa Vaishno Devi Mahila Mahavidyalaya***, however, despite this situation obtaining the Supreme Court in ***Saraswati Deep College of Education*** case set aside both the orders i.e. the order of the Single Judge and the order passed by the Division Bench.

13 I have already extracted the order of the Supreme Court passed in ***Saraswati Deep College of Education*** case. I am of the opinion that the judgement of the Supreme Court in the aforementioned matter covers the issue raised in the captioned writ petitions. Insofar as this Court is concerned, it is bound by the order of the Supreme Court in ***Saraswati Deep College of Education vs. National Council for Teacher Education & Anr.***

14 Thus, for foregoing reasons, the captioned writ petitions will have to be allowed. The concerned Regional Committees will reconsider the applications of the petitioners in the captioned matters without being burdened by the fact that various State Governments have imposed a ban on setting up of new institutions and granting recognition to new courses.

15 Needless to add, the applications will be considered by the NCTE on their own their merit as expeditiously as possible, though, not later than twelve (12) weeks from the date of receipt of a copy of the order.

16 The petitioners will render all assistance so that the timeline fixed by the Court is adhered to.

17 Since this is an order *in rem*, the concerned Regional Committees will consider on merit the applications of even those who are similarly circumstanced and have filed their respective applications before the ban kicked-in as per the extant provisions of law.

18 Consequently, the impugned orders in each of the captioned writ petitions shall stand set aside.

RAJIV SHAKDHER, J

OCTOBER 18, 2019_{/pmc}