

\$~

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

+ W.P. (C) 11699/2018 & CM APPL. 45258/2018

**BASANT LAL MEMORIAL COLLEGE
OF EDUCATION**

..... Petitioner

Through: Mr. Sanjay Sherawat, Advocate
with Mr. Divyank Rana and Mr.
Ashok Kumar, Advocates.

versus

**NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ORS.**

..... Respondent

Through: Ms. Arunima Dwivedi, Standing
Counsel for NCTE/R-1 & 2
with Ms. Preeti Kumra, Adv.
Mr. Deepak Thukral, Adv. For
R-3 with Ms. Anju, Legal
Assistant

**CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR**

J U D G M E N T

%

01 .08.2019

1. The present writ petition is essentially directed against (i) Order, dated 10th June, 2010, issued by the Northern Regional Committee (NRC) of the National Council for Teacher Education (NCTE), (ii) Order, dated 27th August, 2010 addressed to the petitioner-College, by the Director, State Council for Educational Research & Training (hereinafter referred to as "the SCERT") Haryana, (iii) communication, dated 16th October, 2018, issued by the Regional Director, NRC, to the SCERT and (iv) communication, dated 23rd October, 2018, from the SCERT to the petitioner. What these

communications are, and wherefore they were issued, would become apparent from the recital hereinafter.

2. A chronological assessment of the relevant facts, leading to the issuance of the communications/orders, wherewith the petitioner claims to be aggrieved, may be presented thus:

(i) Permission, to start the Bachelor of Education (B. Ed.) course, with effect from the 2007-2008 academic session, was granted, to the petitioner, by the NRC, of the NCTE, on 15th October, 2007.

(ii) The petitioner, thereafter, applied to the NCTE for permission to start its Diploma in Elementary Education (D. Ed.) course, for two years, with fifty students. Recognition, and permission to do so was granted, by the NRC, *vide* order dated 30th August, 2008, with effect from 29th November, 2007. Pursuant to the permission thus granted, the petitioner commenced conducting the D. Ed. course with effect from the 2008-09 academic session.

(iii) On 4th November, 2009, a show cause notice was issued to the petitioner, proposing withdrawal, of the recognition, granted to it, *vide* the aforesaid communication dated 30th August, 2008 (*supra*).

(iv) The petitioner responded to the show cause notice, whereafter, *vide* order dated 10th June, 2010, the NRC withdrew

the recognition, granted to the petitioner, for conducting the D. Ed. course, with effect from the 2010-2011 academic session. The withdrawal was predicated on the three grounds, i.e., that (i) the language lab of the petitioner was ill-equipped, (ii) the Head of the Department (HOD) for the D. Ed. course being conducted by it (Satender Singh) had not been selected by a duly constituted committee and (iii) its multipurpose hall was small in size.

(v) *Vide* a similar order passed on the same date, i.e. 10th June, 2010, the recognition granted to the B. Ed. course conducted by the petitioner was also withdrawn for the 2010-2011 academic session, again on three grounds, i.e. that (i) the labs of the petitioner were ill-equipped, (ii) its multipurpose hall was small in size and (iii) it had not submitted the letter of nomination of experts on its selection committee.

(vi) The petitioner appealed, to the appellate committee, in the NCTE, against the above mentioned order dated 10th June, 2010 (*supra*) of the NRC, withdrawing the recognition, granted to the B. Ed and D. Ed. courses being conducted by it with effect from the 2010-2011 academic session.

(vii) While the said appeals were pending, the petitioner simultaneously assailed the above withdrawal of the recognition granted to the B. Ed. and D. Ed. courses being conducted by it, with effect from 2010-2011 academic session, before this Court by way of W.P. (C) 4397/2010 and W.P. (C) 4398/2010. Both

the said writ petitions were disposed of, by this Court, on 6th July, 2010, with a direction to the appellate committee in the NCTE to decide the appeal filed by the petitioner against the orders dated 10th June, 2010 (*supra*), on or before the first week of August, 2010. Stay of operation of the said orders was granted in the interregnum.

(viii) The appeals, of the petitioner, against the withdrawal of the recognition, by the NRC, of the B. Ed. and D. Ed. courses being conducted by it, were decided, by the appellate committee in the NCTE, *vide* separate orders passed on the same date, i.e. 27th August, 2010.

(ix) The appeal, of the petitioner, against the withdrawal of the recognition, granted to the B. Ed. course being conducted by it, was allowed by the appellate committee, on the ground that the reasons for withdrawing recognition, as contained in the order dated 10th June, 2010 (*supra*), were different from the reasons as cited in the show cause notice which had led to the passing of the said order. Accordingly, the order dated 10th June, 2010 (*supra*), withdrawing the recognition granted to the B. Ed. course being conducted by the petitioner was quashed and set aside, and the matter was remanded to the NRC for issuing of a proper show cause notice, specifying the grounds on which the recognition, granted to the B. Ed. course being conducted by the petitioner, was being proposed to be withdrawn and permitting the petitioner to respond thereto,

whereafter the adjudication of the show cause notice was directed.

(x) The appeal, of the petitioner, against the withdrawal of the recognition granted in respect of the D. Ed. course being conducted by it, was, as already noted hereinabove, decided by a separate order, passed by the appellate committee in the NCTE, on the same day, i.e. 27th August, 2010. This appeal was, however, dismissed. The order of the appellate committee proceeded on a single ground; viz. that the appointment of Satender Singh as HOD of the D. Ed. course being conducted by the petitioner was irregular and illegal. The appellate committee noted that, in its order dated 6th July, 2010 (*supra*), this Court had observed that the deficiency of a duly selected HOD was a sufficient ground to refuse/revoke recognition. Proceeding therefrom, it was observed, by the appellate committee, that the selection committee had, on 16th August, 2009, selected three lecturers and kept two on the waiting list, and had not selected any HOD. It was further held that Satender Singh, who had been selected for the post of lecturer, had been irregularly appointed as HOD. On this ground, the appeal, of the petitioner, against the withdrawal of the recognition granted by the NRC to the D. Ed. course conducted by it, was, as already noted hereinabove, dismissed.

(xi) The said dismissal, of its appeal, against the withdrawal of the recognition granted to the D. Ed. course being conducted by it, *vide* the appellate order dated 27th August, 2010 (*supra*)

was challenged, by the petitioner, before this Court, *vide* W.P. (C) 5995/2010.

(xii) The said writ petition was disposed of, by this Court, *vide* judgment dated 8th September, 2010, which forms the fulcrum of the controversy in the present case. Paras 9 to 13 of the said judgment merit reproduction, *in extenso*, thus:

“9. The Norms and Standards prescribed for B.Ed. & D.Ed. are different. While for B.Ed. programme the HOD is required to have the same qualification as of a Principal, it is not so for D.Ed. programme. When while framing regulations, at the same time for two courses different format/approach is adopted, ordinarily it is to be presumed that what is prescribed for one and is missing in the other was not intended for the other. Thus, I am unable to accept the contention of the respondents that since the qualification prescribed for HOD in Appendix-4 (*supra*) is the same as the qualification prescribed for the Principal, the same should be read in Appendix-2 as the rule for HOD for D.Ed. course also. If the makers of the said norms intended the HOD for D.Ed. programme to also have the same qualification as the Principal, as in the case of B.Ed., nothing prevented them in prescribing so in Appendix-2 also. However, this discussion is not intended to be a final opinion on the matter and it is still left to the authorities concerned to take a decision in this regard. The observations today have been made in the absence of any document showing application of mind by the experts on the said aspect.

10. As of today, Mr. Satender Singh Yadav is admittedly qualified to be the HOD and has been appointed as the HOD by the Selection Committee. Thus, for the current academic session as well as

for the students admitted to D.Ed. course in 2009 (it being a two years course), as of today the HOD is available.

11. Though there is merit in the contention of the counsel for respondents that in the circumstances aforesaid no error can be found in the orders of the NRC and the Appeal Committee impugned in this petition but in the opinion of this Court, the subsequent event can be considered in this jurisdiction also particularly when there are no disputed questions of fact and when an Institute /College has earlier been granted recognition. Withdrawal of recognition has serious repercussions on the continuity of the Institution and also affects the fate of the students already admitted thereto. With a gap year, the Institute which is self-financed may not be able to sustain its resources and which would result in the facilities available to the existing students also being depleted. Thus when there is no challenge to the petitioner Institute as of today meeting the requisite criteria for imparting education in D.Ed. course, it is not deemed expedient to deprive it of the same for the technicality of the deficiency having been removed after the order of the Appeal Committee impugned in this writ petition.

12. The counsel for the respondents at this stage contends that it is only the NCTE which could have decided the validity of the document produced before this Court and as to whether Mr. Satender Singh Yadav has the requisite qualification or not. It will be open to the NCTE to go into the aspect and if finds that the petitioner has misrepresented facts or that Mr. Satender Singh Yadav has not been appointed as HOD by a duly constituted Selection Committee or is not qualified for the post of HOD, to take appropriate action in this regard. In the event of the same happening and the petitioner in the meanwhile admitting students

to the D.Ed, course and the fate of the said students being affected owing to the petitioner, the petitioner would remain liable to compensate the said students with such compensation which may be determined by this Court, upon application in this regard being made by the respondents or by any of the students.

13. The petition is allowed on the aforesaid terms. The subsequent events aforesaid are found to entitle the petitioner to conduct the D.Ed, course in the current academic year. The petitioner would thus be entitled to admit students for the D.Ed, course in the current academic year subject to the condition aforesaid. No order as to costs.”

(xiii) It may be noted, here, that as per the record, though, in the above-extracted para 12 of the judgment dated 8th September, 2010, the NCTE had been granted liberty to re-examine the issue specifically with respect to whether the petitioner had misrepresented facts, and whether Satender Singh was qualified for the post of HOD for the D. Ed. course and was duly appointed by the selection committee, no such *de novo* exercise was either undertaken by the NCTE.

(xiv) Suffice it to state that, as the petitioner had, by the aforesaid judgment dated 8th September, 2010, of this Court, being permitted to conduct its D. Ed. course for the 2010-2011 academic session, the petitioner did so, and continued, thereafter, to conduct its D. Ed. course on a year after year basis, till 2017-2018. It is specifically averred, in the writ petition, that the petitioner was depositing the requisite

affiliation/counseling fee and the SCERT was including the petitioner college in the counseling, conducted by it for the D. Ed. course, for the ensuing academic session. This position continued till the 2017-2018 academic session, with no objection from any quarter, i.e. either from the NRC/NCTE or from the SCERT.

(xv) The pre-existing National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2009 (hereinafter referred to as “the 2009 Regulations”) were replaced by the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (hereinafter referred to as “the 2014 Regulations”), which came into effect from 1st December, 2014.

(xvi) Pursuant thereto, on 11th February, 2015, the NRC wrote to the petitioner, intimating it that the existing Teacher Education Institutions (TEIs) were required to initiate appropriate action to ensure adherence to the 2014 Regulations, on or before 31st October, 2015. As such, the petitioner was directed to intimate compliance, by it, with the requirements of the 2014 Regulations, within 21 days of the date of receipt of the said letter, failing which no revised order of recognition, it was stated, would be issued to the petitioner and the recognition granted, to it, earlier, would become invalid.

(xvii) The writ petition avers that the petitioner submitted the requisite details to the NRC. Documents, evidencing the said compliance, have also been placed on record.

(xviii) In circumstances which need not be recounted here, one Kumari Sneha addressed, to the SCERT, a query, seeking the status of the recognition granted, to the D. Ed. course conducted by the petitioner, by the NRC. The query was forwarded, by the SCERT, to the NRC, on 9th October, 2018, to which the NRC responded, on 16th October, 2018, thus:

**“NORTHERN REGIONAL COMMITTEE
NATIONAL COUNCIL FOR TEACHER EDUCATION
F-HR-1153/2008/NRC/NCTE/2018/197750**

Dated: 16.10.2018

To

**The Director
SCERT, Gurgaon
Haryana**

Sub: Seeking information regarding recognition status of Basant Lal Memorial College of Education, VPO Garhi, Harsaru, Tehsil & Dist Gurgaon, Haryana for D.Ed course for the session 2011-2013 - reg.

Madam,

With reference to your letter dated 09.10.2018 on the subject mentioned above, it is informed that **Basant Lal Memorial College of Education, VPO Garhi, Harsaru, Tehsil & Dist Gurgaon, Haryana** was recognized vide order No. F.NRC/NCTE/HR-1153/2008/56299-305 dated 03.08.2008 for conducting D.El.Ed course of two year duration with an annual

intake of 50 seats. This recognition was withdrawn vide order No. F.NRC.NCTE/HR-1108/2009/23257-23246 dated 10.06.2010. The withdrawal order was confirmed by the Appellate Authority vide order dated 27.08.2010. The institution approached the Hon'ble High Court of Delhi at New Delhi vide writ petition No.5995/2010.

The Hon'ble Court passed an order dated 08.09.2010 as under:-

“The counsel for the respondents at this stage contends that it is only the NCTE which could have decided the validity of the document produced before this Court and as to whether Mr. Satender Singh Yadav has the requisite qualification or not it will be open to the NCTE to go into the aspect and if finds that the petitioner has misrepresented facts or that Mr. Satender Singh Yadav has not been appointed as HOD by a duly constituted Selection Committee or is not qualified for the post of HOD, to take appropriate action in this regard. In the event of the same happening and the petitioner in the meanwhile admitting students to the D.Ed., course and the fate of the said students being affected owing to the petitioner, the petitioner would remain liable to compensate the said students with such compensation which may be determined by this Court, upon application in this regard being made by the respondents or by any of the students.

The subsequent events aforesaid are found to entitle the petitioner to conduct the D.Ed, course in the current academic year. The petitioner would thus be entitled to admit students for the D.Ed, course in the current academic year subject to the condition aforesaid”.

The withdrawal order issued on 10.06.2010 by the office of the Northern Regional Committee has neither been restored nor confirmed afterwards, As per directions of the Hon'ble High Court, the status of affiliation of the institution may be obtained from SCERT, Gurgaon from the session 2011 onwards.

Yours faithfully

Sd/-
Dr Vijay Kumar. R;
Regional Director”

(xix) On 16th October, 2018, the SCERT, which had theretofore included the petitioner in the counseling exercise, being conducted by it, for the 2018-2019 academic session, and had also allotted twenty-two seats to students seeking to pursue the D. Ed. course in the petitioner institution, suddenly wrote, on 16th October, 2018, to the petitioner, directing the petitioner to clarify the position regarding the status of the order dated 10th June, 2010 (*supra*), issued by the NRC, whereby the recognition granted to the D. Ed. course being conducted by the petitioner, had been withdrawn, failing which the petitioner was threatened with exclusion from the list of institutions allowed to participate in the counseling being conducted for the 2018-2019 academic session. The said letter, dated 16th October, 2018 (*supra*), from the SCERT to the petitioner, reads as under:

“To

The Principal,
Basant Memorial College of Education,

Vill- Garhi Harsaru, District- Gurugram
Memo No. DIET Branch/2018/1581

Dated: 16-10-2018

Subject: Clarification regarding recognition of your institute after 2010 from NCTE, NRC, Delhi.

With reference to subject cited above, in this regard our earlier letter No. DIET Branch/2018/1563 dated 04-10-2018. You were asked to show your recognition after 2010. A letter received from NCTE, NRC New Delhi clearly state that the withdrawal order issued on 10-06-2010 by the office NRC has neither been re-stored nor continued afterwards. So, in the light of the above statement you are directed to clarify your position from NRC, NCTE New Delhi regarding recognition of your institute and show the recognition letter of recognition till date otherwise you will be excluded from the list of counselling for the current session. The students allotted for the year will be allotted to some other institutes.

You are again directed to clarify your position within five days.

Sd/-
Director
SCERT Haryana
Gurugram"

(xx) The petitioner responded, *vide* communication dated 17th October, 2018, addressed to the SCERT, submitting that, as the order dated 10th June, 2010, issued by the NRC, withdrawing the recognition to the D. Ed. course being conducted by the petitioner, had, admittedly, neither being restored nor continued

after the judgment dated 8th September, 2010 (*supra*) in W.P. (C) 5995/2010, the direction, to the petitioner, to clarify the position regarding recognition of the D. Ed. course being conducted by it from the NRC, was unjustified. It was, therefore, requested that the letter dated 16th October, 2018 (*supra*), issued by the SCERT, to the petitioner, requiring him to obtain the said clarification, be withdrawn.

(xxi) On 22nd October, 2018, the NRC wrote to the SCERT thus:

“F-HR-1153/2008/NRC/NCTE/2018/197926-27

Dated: 22nd Oct, 2018

To

**The Director
SCERT, Gurgaon
Haryana.**

**Sub:- Seeking information regarding
recognition status of Basant Lal Memorial
College of Education, VPO-Garhi,
Harsaru, Tehsil & District- Gurgaon,
Haryana for D.Ed. Course for the session
2011-2013-reg.**

Sir,

With reference to your e-mail letter dated 12.10.2018, on the subject mentioned above, it is informed that **Basant Lal Memorial College of Education, VPO-Garhi, Harsaru, Tehsil & District- Gurgaon, Haryana** is at present not recognized NRC-NCTE by after withdrawal of recognition vide Order No. F.NRC.NCTE/HR-1153/2009/23257-23264 dated 10.06.2010

followed by confirmation of the same by the Appellate Authority vide order dated 27/08/2010.

Yours faithfully,

Sd./-
(Dr. Vijay Kumar. R)
Regional Director”

(xxii) This communication resulted in the following missive, dated 23rd October, 2018, from the SCERT to the petitioner;

“To

The Principal
Basant Memorial College of Education
Vill- Garhi Harsaru, District- Gurugram,

Memo No.DIET Branch/2018/1583

Dated: 23-10-2018

Subject: Clarification regarding recognition of your institute after 2010 from NCTE, NRC, Delhi.

With reference to subject cited above, in this regard our earlier letter No.DIET Branch/2018/1563 dated 04-10-2018 and DIET Branch/2018/1581 dated 16-10-2018. You were asked to show your recognition after 2010. You are again directed to show the recognition letter from NCTE, NRC New Delhi otherwise action will be initiated as per norms.

Director
SCERT Haryana
Gurugram”

3. It is in the above circumstances, that the petitioner has invoked the extraordinary jurisdiction of this Court, vested in it by Article 226 of the Constitution of India. The prayer clause, in this writ petition, reads thus:

“It is therefore respectfully prayed that this Hon'ble Court may be pleased to:-

(a) Issue an appropriate writ, order or direction and hold that the order dated 08.09.2010 passed by this Hon'ble Court in W.P. [C] No.5995 of 2010 necessarily and impliedly annuls the orders dated 10.06.2010 and 27.08.2010 passed by the Respondent No.2 and 1 respectively; and

(b) Issue an appropriate writ, order or direction and hold that the recognition of the Petitioner for D.El.Ed. course is deemed to have been restored simultaneously with the passing of said order dated 08.09.2010 in W.P. [C] No.5995 of 2010 and consequentially direct the Respondent No.2 to pass an order of restoration of recognition of the Petitioner for D.El.Ed. course w.e.f academic session 2010-11 onwards; and

(c) Issue a writ of certiorari and quash the communications dated 16.10.2018 [Annexure P-16] and 22.10.2018 [Annexure P-19] issued by the Respondent No.2; and

(d) Issue a writ of certiorari and quash the communications dated 16.10.2018 [Annexure P-17] and 23.10.2018 [Annexure P-20] issued by the Respondent No.3; and

(e) Pass an appropriate order and permit the Petitioner to admit students in D.El.Ed course for academic session 2018-19 and restrain the Respondents from interfering in admission/counseling process for said academic session in any manner whatsoever; and

(f) Pass any other and further order(s) as may be deemed fit.”

4. I have heard Mr. Sanjay Sherawat, learned counsel for the petitioner, and Ms. Arunima Dwivedi, Standing Counsel for NCTE, who have canvassed the respective stands taken by them in the writ petition, and in the counter-affidavit filed by way of response thereto.

5. To me, the belated *volte face*, on the part of the NRC, in seeking to question the right of the petitioner, to run the D. Ed. course in its institution, is not only completely arbitrary, but, to an extent, flies in the face of the judgment, dated 8th September, 2010 (*supra*), of this Court in W.P.(C) 5995/2010. The only ground, on which the NRC had, *vide* its communication, dated 10th June, 2010 (*supra*), withdrawn the recognition earlier granted to the petitioner, to conduct the D. Ed. course, read with the appellate order, dated 27th August, 2010 (*supra*), was that Satender Singh, HOD for the D. Ed. course, was not qualified for the post, and had not been selected by the selection committee for the said post. The finding, of the appellate committee in the NCTE, in its order dated 27th August, 2010 (*supra*), to the effect that Satender Singh had been selected only for the post of lecturer and had irregularly been appointed as HOD, obviously cannot sustain, as after perusing the record, this Court, in its judgment dated 8th September, 2010 (*supra*), returned a clear finding of fact that, the selection committee *had* selected Satender Singh for the post of HOD. All that remained to be seen was, therefore, whether Satender Singh was qualified for the post of HOD.

6. In fact, even while allowing the NCTE an opportunity to re-examine these aspects, the judgment dated 8th September, 2010 (*supra*) specifically records, in para 10 thereof, as under:

“10. As of today, *Mr. Satender Singh Yadav is admittedly qualified to be the HOD and has been appointed as the HOD by the Selection Committee.* Thus, for the current academic session as well as for the students admitted to D.Ed, course in 2009 (it being a two years course), as of today the HOD is available.”

(Emphasis supplied)

7. As has already been observed hereinabove, the opportunity granted, by the aforesaid judgment, dated 8th September, 2010 (*supra*), to the NCTE, to re-examine the issue, was allowed to go abegging. Rather, the petitioner continued to conduct the D. Ed. course, in its institution, till the 2018-2019 academic session, and was allowed, every year, to participate in the counseling conducted, by the SCERT for the said purpose.

8. No objection, to the conducting of the said course, was ever raised, either by the SCERT or the NRC. Several batches of students would have, during this period, undertaken the said course and passed out of the petitioner-institution.

9. Consequent to the finding returned by it, the judgment, dated 8th September, 2010 (*supra*), allowed the petitioner to undertake the D. Ed. course for the 2010-2011 academic session. Seven more D. Ed. academic sessions have been successfully conducted, by the petitioner thereafter.

10. In my view, it is obviously impermissible for the NRC, or the NCTE, at this stage, to seek to piggyback on the judgment, dated 8th September, 2010 (*supra*), withdrawing the recognition granted to the petitioner.

11. The only ground, on which the withdrawal of the recognition, granted to the petitioner, to conduct the D. Ed. course was found to be justified, by the appellate committee, in its order dated 27th August, 2010 (*supra*), was that Satender Singh had, apparently, not been selected as HOD, but had been selected as lecturer and that therefore, his appointment as HOD of the D. Ed. programme was illegal. This finding was set aside by this Court in its judgment dated 8th September, 2010 (*supra*). With this, the only ground on which the recognition earlier granted to the D. Ed. course being conducted by the petitioner, was withdrawn, stood emasculated.

12. The matter never having being revisited by the NCTE, thereafter, despite the opportunity granted by the judgment, dated 8th September, 2010 (*supra*), no further reliance can, in my view, be placed, by the NCTE, on the withdrawal order dated 10th June, 2010 (*supra*). By combined onslaught of the judgment dated 8th September, 2010 (*supra*), and the efflux of time thereafter, the withdrawal order dated 10th June, 2010 has, in my view, perished, to the point where it is not possible to infuse any breath of life into it.

13. The prayer, of the petitioner, that it should be permitted to conduct the D. Ed. course, in its institution, and should be treated as duly recognised therefor, in my view, therefore, merits acceptance.

14. Before parting with this judgment, I may note that, in cases such as this, a commonsense approach is required to be adopted by the authorities concerned. As has rightly been observed in the judgment dated 8th September, 2010 (*supra*) passed in W.P. (C) 5995/2010, withdrawal of recognition of a running institution is a drastic and extreme step. It throws into jeopardy, not only the fate of the institution, but also the fate of the students studying therein, as well as the staff employed in the institution and the entire infrastructure of the college itself. It cannot be resorted to, on whims and fancies, or on a ground, which, to any person of reasonable common sense, cannot merit acceptance.

15. The only ground on which, after all these years, the authority, of the petitioner, to conduct the D. Ed. course, in its institution, is sought to be guillotined, is the withdrawal order dated 10th June, 2010 (*supra*).

16. Apart from the fact that the said order does not, in fact, or in law, survive any further, the only ground on which said order (read with appellate order dated 27th August, 2010) justified the withdrawal of the recognition granted to the D. Ed. course of the petitioner, was whether Satender Singh had, or had not been, duly selected as HOD of

the D. Ed. course. The competence of Satender Singh to function as lecturer in the D. Ed. course was never questioned.

17. The D. Ed. course, for its part, has been successfully conducted, by the petitioner institution, year after year, after the passing of the withdrawal order dated 10th June, 2010 (*supra*). At this late stage, the attempt, of the NRC, to eviscerate the right of the petitioner to conduct the D. Ed. course, by relying on its order dated 10th June, 2010 (*supra*), is nothing less than seeking to breathe life into a dead body. The decision is, in my view, unquestionably perverse, and reflects scant regard to the fate of the students, undertaking the said course with the petitioner institution.

18. The petitioner is, therefore, entitled to succeed.

19. This court, therefore, declares that the petitioner institution is entitled to undertake the D. Ed. course, and stands duly recognised and authorised to do so, by the NRC, and by the SCERT. It is also declared that the order dated 10th June, 2010 (*supra*), of the NRC, whereby the petitioner's recognition has been withdrawn and the appellate order dated 27th August, 2010 (*supra*) do not survive, in fact or in law, after the judgment dated 8th September, 2010 (*supra*) in W.P. (C) 5995/2010. Further the impugned communication dated 16th October, 2018 (*supra*), of the NRC, to the SCERT and the impugned communication dated 23rd October, 2018 (*supra*), from the SCERT to the petitioner, are quashed and set aside.

20. In case the exercise of counseling, for the conducting of the D. Ed. course in the 2019-2020 academic session has not been completed, the petitioner institution shall be permitted to participate therein. In case the said exercise is completed, a fresh exercise of counseling shall be conducted, for the D. Ed. course being conducted by the petitioner.

21. The writ petition is allowed in the above terms.

22. In the facts and circumstances of this case, Respondent No. 1 is burdened with costs, which are quantified at ₹ 50,000/-, to be paid to the petitioner within a period of two weeks from the date of receipt of a certified copy of this judgment.

AUGUST 01, 2019
dsn

C. HARI SHANKAR, J

न्यायमेव जयते