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

+ **W.P.(C) 411/2019**

HILL QUEEN SOCIETY

..... Petitioner

Through: Mr. Dushyant Manocha with
Ms. Anannya Ghosh and Mr. Brian
Henry Moses, Advocates.

versus

**NATIONAL COUNCIL FOR TEACHER
EDUCATION**

..... Respondent

Through: Mr. Mohit Siwach, proxy counsel for
Mr. Karan Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **21.01.2020**

CM APPLs. 1904/2019 & 1905/2019 (Exemptions)

1. Allowed, subject to just exceptions.

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2. This writ petition is directed against the order dated 22.10.2018 passed by the Appeal Committee of the NCTE (in short "Appeal Committee").

3. The petitioner, being aggrieved by the order of the Eastern Regional Committee (in short "ERC") dated 24.04.2017 had preferred an appeal under Section 18 of the National Council for Teacher Education Act, 1993 (in short "NCTE Act") before the Appeal Committee.

4. The ERC vide order dated 24.04.2017 had refused to grant recognition to the petitioner for conducting B.Ed course.

5. The two grounds which formed the basis of the ERC's order were: -
- (i) Firstly, the petitioner had submitted a single application for B.Ed programme which comes under the category of standalone institution,.
 - (ii) Secondly, the petitioner had not submitted a building plan which was duly approved by the Government Engineer/Authority.
6. However, a perusal of the Appeal Committee's order would show that ultimately what survived for consideration in the appeal was whether or not the petitioner was running a composite course. The other deficiencies had been overcome and/or cured by the petitioner, even according to the counsel for the respondent.
7. It appears that the petitioner did take several opportunities to satisfy the Appeal Committee with regard to the aforementioned deficiency.
8. The impugned order, *inter alia*, notes that the petitioner had furnished the letter dated 14.12.2017 whereby it had indicated to the Appeal Committee that it would commence its composite course by 30.06.2018. Accordingly, it appears, the Appeal Committee gave one last opportunity to the petitioner.
9. It is in this context that the Appeal Committee issued notice dated 13.08.2018 to the petitioner fixing a hearing in the matter on 27.08.2018.
10. The petitioner avers that the notice of this hearing was received by it only on 31.08.2018.
11. In support of this plea, the petitioner has placed on record a certificate issued by the concerned post office which is appended on page 82 of the paper book. Furthermore, the petitioner has also made a specific averment in this behalf in paragraph 3(r) of the petition.

12. This assertion, concededly, has not been refuted by the respondent.
13. Given this factual context, I am inclined to agree with the submissions advanced on behalf of the petitioner that the petitioner had no opportunity to satisfy the Appeal Committee that it had in fact commenced its composite course as conveyed to the Appeal Committee vide its letter dated 14.12.2017.
14. Counsel for the petitioner on being queried says that the petitioner has in fact commenced the composite course.
15. Therefore, to my mind, the best way forward would be to set aside the impugned order and remand the matter to the Appeal Committee for a fresh consideration.
- 15.1 It is ordered accordingly.
16. The Appeal Committee will reconsider the matter and for this purpose issue a notice in writing to the petitioner at the address given in the writ petition.
17. The Appeal Committee after hearing the authorised representative of the petitioner will pass a speaking order. A copy of the order passed by the Appeal Committee will be furnished to the petitioner.
18. The Appeal Committee will complete this exercise as expeditiously as possible, though, not later than eight(8) weeks from the date of receipt of a copy of the order.
19. The writ petition is disposed of in the aforesaid terms.
20. *Dasti.*

RAJIV SHAKDHER, J

JANUARY 21, 2020/c
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