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

+ W.P.(C) 13836/2019

JOYGOPALPUR GRAM VIKASH
KENDRA & ANR

..... Petitioner

Through: Mr. Amitesh Kumar, Adv.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR

..... Respondent

Through: Ms. Arunima Dwivedi with Ms.
Niharika Rai, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

19.02.2020

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1. The petitioners are aggrieved by the order of the Appeal Committee of the National Council for Teacher Education (in short "NCTE") dated 27.3.2019, whereby, the decision of the Eastern Regional Committee (ERC) dated 22.7.2016 has been sustained.
2. Notice in this petition was issued on 24.12.2019 when the NCTE was represented by Ms. Dwivedi. Three weeks was granted to file a counter affidavit in the matter. Despite opportunity having been granted, respondents have not filed a counter affidavit.
3. The grievance of the petitioners falls in a narrow compass. The petitioners claim that although at the time when the appeal was heard, they had available with them the approved faculty list as issued by the concerned university i.e. West Bengal University of Teachers Training

Education Planning and Administration (hereafter referred to as “W.B. University”). The said document was not considered. The contention is that, if this document was considered, the appeal would have been allowed and the order of the ERC dated 22.7.2016 would have been set aside

3.1 This plea is sought to be backed by Mr. Amitesh Kumar, who appears for the petitioners, by relying upon the document appended on Pg. 247 of the paper book. The said document bears the date 18.2.2019. Mr. Kumar has referred to this date as the order of the Appeal Committee clearly states in the second last paragraph that a hearing was held by the Appeal Committee on 18.2.2019.

3.2 Mr. Kumar says that it was in compliance with the directions contained in the Letter of Intent dated 9.4.2015 (LOI) that the approved faculty list was submitted before the Appeal Committee. Mr. Kumar further submits that there was delay in submission of the approved faculty list as at the relevant point in time, did the concerned University i.e. the Calcutta University did not nominate an external expert whose inclusion was necessary to constitute a viable selection committee.

3.3 Mr. Kumar further submits that the Calcutta University and thereafter, West Bengal (W.B.) University was approached qua this aspect of the matter. In support of this submission, Mr. Kumar has relied upon the communications dated 24.4.2015 and 8.2.2016 appended at page 217 and 226 of the paper book.

3.4 Furthermore, Mr. Kumar says that the W.B. University finally constituted the selection committee only on 13.2.2019. Reference in this behalf was placed by Mr. Kumar on the communication received from W.B.

University which is appended on page 245 of the paper book.

3.5 In sum, Mr. Kumar says that the delay was caused on account of these circumstances and therefore, the petitioner could submit the approved faculty list only on 18.2.2019.

4. Thus, it is submitted by Mr. Kumar that since the approved faculty list was available with the Appeal Committee, it ought to have taken the document into consideration before rendering any decision in the matter. In support of his plea that the Appeal Committee should have adopted this methodology, Mr. Kumar has placed before me the judgment dated 20.12.2019, passed in W.P.(C) No.13542/2019, titled ***ABC College of Education and Anr. vs. National Council for Teacher Education and Anr.***

5. Ms. Dwivedi, who appears for the respondents, says that there is nothing to demonstrate that the approved faculty list was made available to the Appeal Committee on the date indicated by Mr. Kumar.

6. Be that as it may, it is obvious that the case has been set up by the petitioners that there was a delay on the part of the concerned universities in first constituting the Selection Committee and then issuing the approved faculty list only on 18.2.2019 is supported by affidavit what has not been refuted by the respondents as no counter affidavit has been filed. Besides this, even if one were to accept the defence of the respondents that approved faculty list was not perhaps made available to the Appeal Committee, this document appears to be now available.

7. Thus, having regard to the aforesaid, I am inclined to direct reconsideration of the petitioners' case.

8. Accordingly, the impugned orders passed by both the ERC and Appeal Committee are set aside.
9. The matter is remitted to the ERC for fresh consideration. The ERC will consider the approved faculty list, which is placed on record by the petitioners. The ERC will, thus, process the application of the petitioners for recognition of B.Ed. course in view of the approved faculty list and its impact on the case.
10. Needless to add, the aforesaid exercise will be completed by the ERC with due expedition.
11. In case the meeting of the ERC is convened hereafter, the petitioners' case will be considered in that meeting.
12. *Dasti.*

RAJIV SHAKDHER, J

FEBRUARY 19, 2020/pmc