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

+ **W.P.(C) 96/2020 & CM APPL. 314/2020**

KRIPAL COLLEGE OF EDUCATION

..... Petitioner

Through : Mr. Sanjay Sharawat, Mr. Divyank
Rana and Mr. Abhishek Dhankar,
Advs.

versus

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

..... Respondents

Through : Ms. Niharika Rai, Adv. for
Ms.Arunima Dwivedi, Standing
Counsel for NCTE.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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28.01.2020

1. The substantive prayers made in the writ petition are as follows :

“(a) Issue a writ of certiorari and quash the communication dated 18.12.2018 issued by the Respondent No.1; and

(b) Issue a writ of certiorari and quash the show cause notice dated 01.05.2019 issued by the Respondent No.2; and

(c) Consequentially issue a writ of mandamus and direct the Respondent No.2 to decide the application of the Petitioner for grant recognition for D.El.Ed course from academic session 2020-2021.”

2. Notice in this writ petition was issued on 08.01.2020 when the respondents were represented by Ms. Arunima Dwivedi. A week's time was granted to the respondents to file a counter affidavit in the matter.

3. Thereafter, the matter was taken up on 20.01.2020 as an application had been moved by the petitioner in the meanwhile.

3.1 This application was disposed of principally on the ground that the main matter was coming up for hearing today i.e. 28.01.2020.

3.2 On that date, Ms. Dwivedi submitted that either the respondents will file a counter affidavit in the matter or will take a decision which would be conveyed to the court.

3.3 To date, no counter affidavit has been filed, and therefore, the assertions made in the writ petition would have to be accepted having not been rebutted.

4. Mr. Sanjay Sharawat, who appears on behalf of the petitioner, says, (an aspect which is also evident from a perusal of the reliefs sought in the writ petition), that the petitioner is aggrieved by the communication dated 18.12.2018 and the show cause notice dated 01.05.2019 (SCN) issued by respondent nos. 1 and 2 respectively.

5. According to Mr. Sharawat, although the show cause notice adverts to several issues, three issues passed therein are covered by the order of this court dated 11.12.2019, passed in W.P.(C)No.13089/2019, titled ***R.C. Education Society & Anr. v. National Council for Teacher Education & Anr.***

5.1 The three issues which are covered by this judgment, as per Mr.Sharawat, are as follows :

- (i) First, the issue pertaining to ban imposed by the State Government of Rajasthan on proposals to set up new institutions.
- (ii) Second, the failure to submit No Objection Certificate (NOC) of the affiliating body.
- (iii) Third, the failure to submit proof/evidence of the fact that the petitioner is a composite institution in terms of the Regulation 2(b) of the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (in short “2014 Regulations”).

6. As regards the other three aspects which are adverted to in the show cause notice, Mr. Sharawat says that a reply has been filed with the Northern Regional Committee (NRC) and that the same could be adjudicated upon by the NRC after giving due opportunity of hearing to the authorised representative of the petitioner.

6.1 These three issues *qua* which adjudication is sought by the petitioner, and are noticed in the SCN are the following :

- “3. *The institution has not submitted Non-encumbrance Certificate signed by the Competent Govt. Authority.*
- 4. *The institution has not submitted the certified copy of the registered land documents duly certified by the Registrar/ Sub-Registrar of the District.*
- 5. *Built-up area is less as per building plan.”*

7. Ms. Niharika Rai, who appears on behalf of the respondents, says that the submission of Mr. Sharawat that the first three aspects, which are referred to in para 5 above, are covered by the judgment of this court in ***R.C. Education Society***, is correct.

8. Insofar as the other three aspects, which are referred to in para 6.1 above, are concerned, learned counsel for the respondents says that these aspects will be adjudicated upon by the NRC.
9. Accordingly, having regard to the aforesaid, the impugned communication dated 18.12.2018 is set aside.
10. The matter is remanded to the NRC for a fresh consideration. While adjudicating upon the issues, which are referred to in the SCN, the NRC will not only have regard to the judgment of this court rendered in ***R.C. Education Society*** but would also take into account the reply filed by the petitioner.
11. The NRC will give due opportunity of personal hearing to the authorized representative of the petitioner.
12. After hearing the authorized representative of the petitioner, the NRC will pass a speaking order.
13. Needless to add, this exercise will be completed by the NRC at least 10 days before 03.03.2020 which is the prescribed cut-off date.
14. Resultantly, the pending application shall stand closed.

JANUARY 28, 2020

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RAJIV SHAKDHER, J