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

+ **W.P.(C) 13622/2018**

JHARKHAND TEACHERS TRAINING
COLLEGE (D.EL.ED.)

..... Petitioner

Through: Mr. Mayank Manish with Mr. Ravi
Kant, Advs.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR.

..... Respondent

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

+ **W.P.(C) 1299/2019**

JHARKHAND TEACHERS TRAINING
COLLEGE (B.ED.)

..... Petitioner

Through: Mr. Mayank Manish with Mr. Ravi
Kant, Advs.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR

..... Respondent

Through: Mr. Udian Sharma with Mr. Jaideep
Khanna, Advs. for Mr. Shivam Singh,
Adv. for NCTE.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

06.02.2020

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1. I must indicate, at the very outset, that counsel for the parties inform me that apart from the captioned writ petitions, there is a third writ petition, which is shown in the cause list i.e. W.P.(C) No.1671/2019.

W.P.(C) 13622/2018 & 1299/2019

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Counsel for the parties say that this writ petition is in no manner connected with the captioned writ petitions. It is the say of the counsel for the parties that W.P.(C) No.1671/2019 is listed for hearing on 21.4.2020.

1.1 The Registry is directed to take appropriate steps in that behalf and not show W.P.(C) No.1671/2019 along with the captioned writ petitions.

2. However, what is not in dispute is that captioned writ petitions i.e. W.P.(C) No. 13622/2018 & W.P.(C) 1299/2019 are interconnected. The reason for the same will be known as I proceed with the narration of facts. Broadly, the facts which obtain in the captioned writ petitions and are required to be noticed are as follows:

2.1 On 8.7.2013, the National Council for Teacher Education (hereafter referred to as “NCTE”) granted recognition to the petitioner for running two units qua B.Ed. course.

2.2 In the backdrop of the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (hereafter referred to as the “2014 Regulations”) coming into force, the petitioner filed an application on 26.6.2015 for being granted recognition/permission to conduct D.El.Ed. course (one, additional unit).

2.3 This application was rejected by the Eastern Regional Committee (ERC) on the ground that the application was not accompanied by a ‘No Objection Certificate’ (in short “NOC”) from the affiliating body. The decision of the ERC taken in that behalf is dated 14.4.2016

3. Being aggrieved, the petitioner preferred an appeal with the Appeal Committee of the NCTE. The appeal was, however, rejected on 2.9.2016. The petitioner, it appears, was pursuing the matter with the affiliating body

and thus, was able to obtain a NOC on 8.9.2016 from the affiliating body i.e. Government of Jharkhand, Department of School Education and Literacy Development, Directorate of Primary Education.

4. Consequently, the petitioner filed the NOC with the NCTE on 10.9.2016.

5. Since the order of the ERC and the Appeal Committee was causing an impediment in the fresh consideration of the petitioner's application qua D.El.Ed. course, a writ petition was preferred in this Court, which was numbered as W.P.(C) No.11917/2016. This Court vide order dated 16.8.2017, based on the statement of the counsel for the respondents that petitioner's application will be reconsidered in view of the subsequent development i.e. the receipt by it of a NOC, disposed of the writ petition.

6. The petitioner, thereafter, took the consequential step of submitting both the order of the High Court dated 16.8.2017 and the NOC, although the same had already been submitted by it on 8.9.2016 to the NCTE under the cover of a letter dated 5.9.2017 addressed to the Regional Director, ERC.

6.1 On account of the fact that there was no movement in the matter, the petitioner sent a reminder to the ERC on 7.10.2017.

7. The ERC in its 246th Meeting held between 23.11.2017 and 24.11.2017 considered the request of the petitioner. Upon deliberation, the ERC concluded that the petitioner would be required to submit a fresh NOC from the concerned affiliation body. Resultantly, a decision was taken to issue a show cause notice on that account to the petitioner.

7.1 It appears that since the decision taken by ERC in its 246th Meeting was available on its web portal, the petitioner without awaiting for service of

a formal show cause notice submitted a communication dated 6.12.2017. In this communication, the petitioner brought to the notice of the ERC that it had already filed the NOC under the cover of a letter dated 8.9.2016 and that for the sake of convenience, it was placing on record, once again, a photocopy of the very same NOC, which was duly attested by the petitioner's Principal.

8. Furthermore, a request was made to the ERC to constitute a "visiting team" for the purposes of inspection so that the order passed by this Court on 16.8.2017 could be complied with.

9. Concededly, this request of the petitioner had its desired effect and ERC on 1.8.2018 granted recognition/permission to the petitioner to conduct the D.El.Ed. course with an intake of 100 students, with two basic units, *qua* academic session 2019-20.

10. Since, as per the understanding of the petitioner that once one had applied for being granted permission for running D.El.Ed. course, it could thereafter seek permission for enhancing the intake in the B.Ed. course, an application was moved for the said purpose with the ERC.

10.1 This application was filed on 30.6.2016; obviously, in the hope that it would succeed *qua* its application filed *vis.-a.-vis.* D.El.Ed. course.

11. As is noticed above, the petitioner did receive recognition/permission *vis.-a.-vis.* D.El.Ed. course from the ERC on 1.8.2018. Since the petitioner had obtained recognition *vis.-a.-vis.* D.El. Ed. Course, the ERC, to my mind, rightly rejected the petitioner's application for additional intake *qua* B.Ed. course on 5.12.2017.

12. The record shows that the petitioner preferred an appeal vis-à-vis ERC's decision dated 5.12.2017.

13. The facts set out above would demonstrate that by the time appeal came up for hearing before the Appeal Committee, the petitioner had obtained the status of a composite institution.

14. Curiously, the Appeal Committee by two separate decisions of the same date i.e. 24.9.2018 ruled against the petitioner. In the first order dated 24.9.2018, which is appended from page 31 to 33 of W.P.(C) No.13622/2018 and is marked as Annexure P-1, in effect, confirmed its earlier decision dated 2.9.2016, which in substance had been reversed by this Court on 16.8.2017.

14.1 Thus, the net effect was that the recognition granted to the petitioner by ERC on 1.8.2018 came to a naught. What is most disconcerting is that the petitioner had not filed any appeal against the ERC order dated 1.8.2018 since it was satisfied by the decision rendered on its application.

14.2 Insofar as the second order of the Appeal Committee is concerned, which is impugned based in W.P.(C) No.1299/2019, the Appeal Committee relying upon its own order of the same date i.e. 24.9.2018 rendered qua D.El.Ed. course, ruled against the petitioner on the ground that it was a stand alone institution.

14.3 According to me, apart from this ingenious methodology used by the Appeal Committee to deny the petitioner its right to be considered for additional intake qua B.Ed. course, the order is legally flawed as it is based on its own order qua D.El.Ed. course *qua* which, as noted above, no appeal had been preferred by the petitioner.

15. Therefore, I tend to agree with the petitioner in the captioned matters that the two impugned orders of the same date, passed by the Appeal Committee i.e. 24.9.2018 and deserve to be set aside. It is ordered accordingly.

16. Consequently, the effect, would be that the petitioner's recognition qua D.El.Ed. course, which was granted recognition by ERC on 1.8.2017 would stand restored. The ERC, thus, is directed to reconsider the petitioner's application qua intake of 100 students in the B.Ed. course for the academic session 2020-21.

17. Needless to add, the aforesaid exercise will be completed as expeditiously as possible, though, not later than three weeks from the date of receipt of a copy of this order.

18. The captioned writ petitions are disposed of in the aforementioned terms.

RAJIV SHAKDHER, J

FEBRUARY 06, 2020/pmc