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

+ **W.P.(C) 1899/2020 & CM No.6650/2020**

VNBP DEGREE COLLEGE

..... Petitioner

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

versus

**NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR**

..... Respondents

Through : Ms. Arunima Dwivedi, Standing
Counsel with Ms. Niharika Rai and
Mrs. Ankita, Advs. for NCTE.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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19.02.2020

1. Via this writ petition, the following substantive prayers have been sought :

“(a) Issue a writ of certiorari and quash the order dated 08.08.2018 passed by the Respondent No.2 and order dated 03.06.2019 passed by the Respondent No.1; and

(b) Issue a writ of mandamus and direct the Respondent No.2 to restore the recognition of the Petitioner for B.Ed course and permit it to commence the course w.e.f. academic session 2020-2021.”

2. Briefly, the broad facts in the backdrop of which this writ petition has been filed are as follows :

2.1 The petitioner had submitted an application on 27.12.2012 for recognition to run B.Ed. course *qua* academic session 2013-2014.

2.2 On 26.02.2015, the Northern Regional Committee (NRC) issued a Letter of Intent (LOI) to the petitioner. The petitioner avers that it was granted recognition by the NRC on 04.01.2016.

2.3 The petitioner also concedes that on 20.05.2016, it was issued a show cause notice on the ground that it had submitted a “*fake*” approved faculty list. Admittedly, no reply was filed to the said show cause notice by the petitioner.

3. It is the petitioner’s case that the forgery was committed by its clerk and that the management committee of the petitioner had no role to play in the same.

4. It is also the case of the petitioner that thereafter, it applied to the concerned university i.e. Deen Dayal Upadhyay University, Gorakhpur (in short “DDU University”) for approval of a fresh faculty list. The DDU University granted its approval on 24.02.2018.

5. Upon obtaining the approval from DDU University, the petitioner filed the same with the NRC on 12.03.2018.

6. However, on 08.08.2018, NRC withdrew petitioner’s recognition in exercise of its powers under Section 17 of the NCTE Act, 1993.

7. Being aggrieved, the petitioner preferred an appeal with the Appeal Committee of the NCTE. This appeal was filed on 14.09.2018. The appeal was dismissed by the Appeal Committee on 03.06.2019.

8. In the interregnum, the petitioner claims that it made a representation dated 01.05.2019 to the NCTE for considering the fresh faculty list which had been filed, as noted above, with the NRC on 12.03.2018.

9. Mr. Sanjay Sharawat, who appears on behalf of the petitioner, says that no inquiry has been made by either DDU University or even the NRC/NCTE as to whether or not the management committee of the petitioner was at fault.

10. It is also Mr. Sharawat's contention that the very fact that DDU University approved the fresh faculty list demonstrates that the management committee of the petitioner had no role to play in the forgery of the earlier faculty list.

11. On the other hand, Ms. Arunima Dwivedi, who appears on advance notice on behalf of the respondents submits that in the absence of the DDU University, the arguments advanced by Mr. Sharawat can have no relevance.

12. Furthermore, Ms. Dwivedi says that the forgery of the approved faculty list cannot be condoned.

13. Having heard learned counsel for the parties, I am of the view that once it was discovered that a forged faculty list had been submitted on behalf of the petitioner, a detailed inquiry ought to have been conducted by the NCTE, if not, by the DDU University.

14. Furthermore, the NCTE should have, as a matter of fact, filed a complaint with the concerned police station so that the matter could have been investigated from a criminal.

15. In my view, if the management committee is at fault, unless the delinquent members of the management committee are removed, they cannot be entrusted with the task of running an education institution such as the petitioner.

16. The captioned writ petition is, thus, disposed of with the following directions:

(i) The NCTE will conduct an inquiry and fix the responsibility as to who was responsible for submitting fake faculty list.

(ii) The NCTE will also file a complaint with the concerned police station concerning the aspect of forgery.

(iii) If all persons constituting the management committee are exonerated or if some members of the management committee of the petitioner are found to be involved in the forgery and they are removed, it is only then that the petitioner can approach the concerned regional committee for restoring its recognition.

(iv) The aforementioned steps will be taken by the NCTE with due alacrity.

17. Resultantly, the pending application shall stand closed.

RAJIV SHAKDHER, J

FEBRUARY 19, 2020

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