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

+ W.P.(C) 2800/2020 & CM APPLN 9784/2020

SHRI VARDHMAAN SHIKSHA

MAHAVIDYALAYA

..... Petitioner

Through

Mr.Sanjay Sharawat with Mr.Divyank
Rana & Mr.Abhishek Dhankar, Advs.

versus

NATIONAL COUNCIL FOR TEACHER

EDUCATION AND ANR.

..... Respondents

Through

Ms.Arunima Dwivedi, Standing
Counsel for NCTE with Ms.Niharika
Rai & Mrs.Ankita, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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13.03.2020

1. This writ petition is filed by the petitioner seeking a direction that the order of the National Council for Teacher Education passed in appeal on 13.12.2019 necessarily and impliedly annuls the order dated 05.09.2019 passed by the Western Regional Committee of the National Council for Teacher Education under Section 17 of the NCTE Act, 1993. By the said order dated 05.09.2019 under Section 17 of the NCTE Act, the committee has decided to withdraw the recognition granted under Section 17(1) of the NCTE, Act for the B.ed programme with effect from end of the academic session next following the date of communication of the said order.

2. A perusal of the order dated 13.12.2019 passed in appeal shows that the said authority concludes that the relevant documents have been sent by the petitioner with reference to the show cause notice to the WRC and are

available in the file. Similar is the position regarding the FDRs. In these circumstances, the committee concluded that the matter deserved to be remanded back to the WRC with a direction to consider the documents already submitted. The relevant portion of the order read as follows:

“AND WHEREAS the Committee noted that the documents sent by the appellant reference to the Show Cause Notice to the WRC have been received and are available in the file. The appellant has since obtained the FDRs also. In these circumstances, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents already submitted and the FDRs to be submitted to them and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC the originals of the two FDRs and originals of any other documents, if necessary, within 15 days of receipt of orders on the appeal.”

3. Learned counsel for petitioner insist that the effect of the above order dated 13.12.2019 remanding the matter back to WRC, is that the order of withdrawal of WRC dated 05.09.2019 ceases to be operative. He relies upon the judgments of two co-ordinate benches of this court to insist that the necessary consequence as urged would follow.

4. In my opinion, a perusal of the order of the NCTE in appeal dated 13.12.2019 does not show that the same tantamount the withdrawal of the earlier order dated 05.09.2019 of the WRC by which recognition of the course of the petitioner was withdrawn. This follows from the manner in which the order has been passed.

5. Reliance by learned counsel for petitioner on the judgments of the co-ordinate benches are misplaced. Reliance was placed on an order passed on 13.09.2012 in ***W.P. (C) No. 5665/2012 D.G.M. College of Education vs.***

NCTE. In that case, the Court had concluded that the appellate committee had found sufficient ground to remand the case to NRC with a direction to get fresh inspection of the institute. The court had also concluded that the effect of the order was that the first inspection on the basis of which show cause notice was issued had become redundant. In those facts and circumstances the coordinate benches passed an order that the order of the appellate committee tantamounts to superseding of the impugned order by NRC. The facts in the present case are different and the said judgment would not apply.

6. Similarly, learned counsel for petitioner relies upon the judgment of the coordinate bench of this court in ***W.P. (C) No. 9012/2019 Mandusar Institute of Physical Education vs. National Council for Teacher Education & Anr.*** From a perusal of the said order there is no clarity about the facts of the case, hence the said judgment would also have no assistance to the petitioner.

7. Petitioner has to await the decision of the WRC. If WRC is satisfied an appropriate order restoring the recognition may follow. The WRC will ensure that the case of the petitioner is dealt with in the next meeting preferably within four weeks from today. Any additional documents or submissions be filed by petitioner within one week from today.

8. Petition stands disposed of with the above directions.

9. A copy of the order be given *dasti* under the signature of the Court Master.

JAYANT NATH, J.

MARCH 13, 2020/st