

\$~A-54

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

+ W.P.(C) 4062/2020

RAJIV GANDHI MAHILA MAHAVIDYALAYA..... Petitioner
Through Mr.Mayank Manish and Mr. Ravi
Kant, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR
..... Respondent
Through Mr. Jaideep Khanna and Mr.Shivam
Singh, Advs. for R-1 and R-2

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **29.07.2020**

This hearing is conducted through Video Conferencing.

W.P.(C) 4062/2020

1. This Writ Petition is filed by the petitioner seeking quashing of the decision of the NRC taken in its 313th Meeting held from 25 to 27th February 2020 whereby the recognition of the petitioner/institution running B.Ed. Course Programme has been withdrawn in exercise of power under provisions of section 17(1) of the NCTE Act, 1993.

2. This matter was heard by this court on 09.07.2020 when the petitioner had made the following submissions:-

“2.Learned counsel for the petitioner has pointed out that two show cause notices were issued to the petitioner on 5.4.2018 and 4.10.2019. He further submits that replies were sent by the petitioner on 9.5.2018 and 29.10.2019 respectively.

3. Reliance is placed on the second show cause notice dated 4.10.2019 which acknowledges that the reply has been received

to the first show cause notice dated 5.4.2018. He submits that despite this fact that the reply was duly submitted in response to the show cause notices the impugned order passed by respondents dated 25-27th July 2019 merely states that the recognition of the petitioner may be withdrawn as enough opportunities have been given to the petitioner.

4. It is further pleaded that the show cause notices pertain to a situation where an institution has two units for B.Ed.course with each unit having 50 students each. Learned counsel for the petitioner states that as per the reply given by the petitioner the petitioner seeks to have only one unit and hence does not require the additional unit. Accordingly, the very basis of the show cause notice is misplaced as the said notices state that the petitioner does not have infrastructure for 2 units.”

3. Learned counsel for respondent has, however, pleaded that the said order is an appealable order under section 18 of the NCTE Act.

4. Pursuant to the aforesaid order learned counsel for the petitioner has pointed out that now a copy of the withdrawal order has been served on the petitioner which is dated 10.7.2020. It is pleaded that this withdrawal order is passed after the order of this court dated 09.07.2020.

5. In my opinion, it is an admitted fact that the impugned order which is now being passed is an appealable order under section 18 of the NCTE Act. It would be in the interest of justice that the petitioner may challenge the withdrawal order before the appellate authority.

6. The appellate authority is requested to expeditiously deal with the appeal of the petitioner keeping in view the directions in the withdrawal order, namely, that recognition is withdrawn from the end of the Academic Session next following the date of order of withdrawal i.e. 2021-22. All contentions are kept open.

7. With the above directions the present writ petition stands disposed of. All pending applications, if any, also stand disposed of.

8. At this stage, learned counsel for the petitioner states that the counselling is likely to begin and hence he may be permitted to participate in the counselling for the admission process.

9. In my opinion, it is appropriate for the petitioner to raise this plea before the appellate authority, as per law. The appellate authority will deal with such a request, if any, made by the petitioner expeditiously, as per law.

JAYANT NATH, J

JULY 29, 2020/n