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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5179/2020 & CM APPLs. 18645-46/2020
SHRI RAWATPURA SARKAR COLLEGE
OF EDUCATION ... Petitioner

Through Mr. Sanjay Sharawat, Adv.
versus

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

Through Ms. Arunima Dwivedi, Standing
Counsel for NCTE.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **13.08.2020**

This hearing is conducted through video conferencing.

CM APPL. 18646/2020

Allowed subject to all just exceptions.

W.P.(C) 5179/2020 & CM APPL. 18645/2020

1. This writ petition is filed by the petitioner seeking a direction to hold that the order dated 11.03.2020 passed by respondent No.1 necessarily and impliedly annuls the impugned order dated 09.08.2019 passed by respondent No.2 by which the recognition of the petitioner for M.Ed. course was withdrawn.

2. The petitioner was granted recognition on 23.10.2009 for M.Ed. course. In 2015 after notifications of new regulations, NCTE issued guidelines for all institutions. A revised recognition order was also issued on 20.05.2015. The case of the petitioner is that in compliance of the order the petitioner submitted the required documents to WRC in 2016. The withdrawal order was however passed by WRC on 09.08.2019 on the

ground of non-submission of reply to the show cause notice dated 31.01.2017. Aggrieved by the said order, the petitioner filed a statutory appeal before NCTE on 25.09.2019. By the impugned order dated 11.03.2020, the Appellate Authority has accepted the contentions of the petitioner and has remanded the matter back to WRC. The grievance of the petitioner is that the impugned order passed by WRC dated 09.08.2019 has not been quashed and the matter has simply been remanded back to WRC by the Appellate Authority to reconsider its decision based on the documents supplied by the petitioner.

3. Learned counsel for the petitioner relies upon the judgment of a co-ordinate bench of this court dated 10.07.2019 passed in W.P.(C) No. 7365/2019, titled as ***Anjuman College of Education vs. National Council for Teacher Education & Anr.*** to submit that in these circumstances the impugned order of WRC withdrawing recognition dated 09.08.2019 should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 11.03.2020 shows that it notes the contentions of the petitioner that the show cause notice that was issued by the letter dated 31.01.2017 was never received by the petitioner. It also notes the submission of the petitioner that complete compliance of all requirements has been done by the petitioner. The Appellate Authority thereafter decided that the petitioner may submit all the authenticated copies of documents to WRC within 15 days and WRC shall on receiving required documents re-visit the matter and issue appropriate revised orders.

5. Learned counsel for the respondents states that the submission of the petitioner that he has not received the show cause notice is erroneous as the minutes of WRC are placed on the website. Further, the dispatch number

and date of the show cause notice is also on record. She further states that WRC will be taking a decision shortly and hence there are no reasons to pass any orders in favour of the petitioner.

6. Learned counsel for the petitioner has strenuously urged counselling for the next academic session has commenced from 05.08.2020 and the name of the petitioner institution is missing from the list of authorized institutions. He submits that on account of the act of the Appellate Authority, grave prejudice is being caused to the petitioner which is an institution of more than 10 years of standing.

7. Reference may be had to the order of this court dated 08.05.2019 in W.P.(C) No. 4959/2019, titled as ***HICT Shiksha Mahavidyalaya vs. National Council for Teacher Education & Anr.*** passed by a co-ordinate bench which reads as follows:

“....

3. It is axiomatic, in law, that quashing of the order in appeal has necessarily to precede remand of the matter to the original authority.

4. In view thereof, I deem it appropriate to dispose of this writ petition, at this stage itself, by clarifying that the order dated 11th March, 2019, passed by the Appellate Committee in the NCTE, would be treated as quashing the withdrawal order dated 25th September, 2018 of the WRC, and, consequently, remanding the matter to the WRC for a reconsideration.”

8. In view of the above, in my opinion, the net effect of the order of the Appellate Authority dated 11.03.2020 is that the order passed by WRC dated 09.08.2019 stands quashed. It is ordered accordingly. The WRC is free to take its decision as per law based on the documents submitted by the petitioner.

9. Accordingly, the writ petition is disposed of. All pending applications, if any, be also disposed of. All consequential reliefs will be granted to the petitioner including participation in the on-going counselling for academic session 2020-21.

JAYANT NATH, J.

AUGUST 13, 2020/st