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

+ W.P.(C) 5218/2020

NARMADA EDUCATION SOCIETY & ANR. Petitioners

Through Mr.Amitesh Kumar, Ms.Priti Kumari
and Ms.Binisha Mohanty, Advs.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

..... Respondents
Through Ms.Arunima Dwivedi, Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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13.08.2020

This hearing is conducted through video conferencing.

CM APPL. Nos.18825 & 18827/2020(exemptions)

Applications are allowed, subject to all just exceptions.

W.P.(C) 5218/2020 & CM APPL. No.18826/2020

1. This writ petition is filed by the petitioners seeking an appropriate direction to direct the National Council for Teacher Education (*hereinafter referred to as the 'NCTE'*) to display the name of petitioner No.2 institution in the list of recognized institutions for conducting B.Ed. course and to direct continuation of stay of the operation of the withdrawal order dated 04.09.2019 till disposal of the appeal by the appellate authority.

2. It is stated that on 15.01.2001 WRC granted initial recognition to petitioner No.2 institution for conducting B.Ed. course with annual intake of 100 students from the academic year 2000-2001. On 31.05.2015, WRC issued the revised recognition order to petitioner No.2 institution for running

B.Ed. course with intake of 2 basic units (100 seats).

3. A show cause notice was issued on 20.07.2016 to the petitioner. The WRC, in its meeting held on 19th -21st August, 2019, took a decision to withdraw the recognition of petitioner No.2 institution for conducting B.Ed. course under section 17(1) of the NCTE Act, 1993 with effect from the end of the academic session next following the date of communication of the said order. A formal withdrawal order was issued on 04.09.2019. The petitioners preferred a statutory appeal. In the meantime, the petitioners approached this court by filing writ petition being W.P.(C) 13091/2019. The writ petition was disposed of on 11.12.2019 stating that during pendency of the appeal, the withdrawal order of the WRC dated 04.09.2019 withdrawing the recognition of petitioner No.2 institution shall be kept in abeyance.

4. On 02.03.2020, the appellate authority has allowed the appeal of the petitioner and has remanded the matter back to WRC.

5. The grievance of the petitioners is that despite allowing the appeal of the petitioners, the appellate authority has remanded the matter back to WRC and has not quashed the impugned withdrawal order dated 04.09.2019.

6. 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.

7. Reference in this context may be had to the order the Co-ordinate Bench 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. Relevant portion 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. Accordingly, in view of the above, the impugned withdrawal order dated 04.09.2019 is quashed. WRC is free to consider the matter in terms of the direction of the appellate authority and pass appropriate orders as per law. The petitioner would be entitled to all consequential benefits. The respondents will take appropriate steps in this regard forthwith.

9. Nothing further survives in this petition. The petition is accordingly disposed of. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

AUGUST 13, 2020/v