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

+ W.P.(C) 5317/2020 & CM. 19193/2020

SMT. GOMTI SMARAK VIGYAN

MAHAVIDYALAYA

..... Petitioner

Through Mr.Mayank Manish and Mr.Ravi
Kant, Advs.

versus

NATIONAL COUNCIL FOR

TEACHER EDUCATION

..... Respondent

Through Ms.Arunima Dwivedi, Standing
Counsel, NCTE.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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16.09.2020

This hearing is conducted through video conferencing.

1. This writ petition is filed by the petitioner seeking an appropriate writ to quash the decision of the NRC dated 25th -27th February, 2020 whereby the recognition of the petitioner institution to run the B.Ed. programme was withdrawn.
2. The case of the petitioner is that it was recognized for running a B.Ed. course in 2003. The petitioner is affiliated to Dr.Bhimrao Ambedkar University, Agra. Thereafter, the petitioner institution received information in February, 2020 from the University that NRC has in its meeting held from 25th -27th February, 2020 withdrawn the recognition of the petitioner.
3. The learned counsel for the petitioner has subsequently after filing of the present writ petition, now filed a copy of the withdrawal order dated 10.07.2020.
4. The learned counsel for the petitioner has vehemently urged that the

aforesaid order has been passed without any show cause notice. He has pointed out to an affidavit of the petitioner where it is stated that two show cause notices allegedly issued by the respondent were never received by the petitioner. It is also stated that necessary approval of the faculty list from the concerned University were duly available with the petitioner. The same has been filed with the present writ petition as Annexure P-5.

5. A perusal of the withdrawal order would show that it relies upon communication received from the University for conducting B.Ed. course where observations have been made by the University that the staffs have to be approved every five years. Based on this, as there was no response from the petitioner, the withdrawal order has been passed.

6. Learned counsel for the respondent has opposed the present writ petition stating that the impugned withdrawal order is an appealable order and it is for the petitioner to file an appropriate appeal. She has also pointed out that Annexure P-5 which is relied upon by the petitioner would have to be scrutinized by the respondent.

7. Let the petitioner file an appropriate appeal under section 18 of the NCTE Act within two weeks from today.

8. As noted in the withdrawal order, the approval of the petitioner institution has been withdrawn w.e.f. end of the academic session next following the date of order of withdrawal i.e. 2020-21. In these facts and circumstances, subject to the petitioner filing an appeal within two weeks from today, the petitioner institution is permitted to participate in the counselling for admission of the students for the current academic year.

9. The respondent shall take appropriate steps in this regard forthwith including changing the status of the petitioner institution on the website, due

intimation to the affiliating University and to the concerned Department of Higher Education, State of U.P.

10. This order is subject to further orders that the appellate authority may pass. The appellate authority may dispose of the appeal uninfluenced by any observations made by this court and as per law.

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

JAYANT NATH, J.

SEPTEMBER 16, 2020/v