

\$~A-23

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

+ W.P.(C) 5326/2020

CHAMBAL B ED MAHAVIDYALAYA Petitioner

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

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

Through Ms.Arunima Dwivedi, Standing
Counsel. Respondents

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

20.08.2020

This hearing is conducted through video conferencing.

CM APPL. Nos.19215 & 19217/2020(exemptions)

Applications are allowed, subject to all just exceptions.

W.P.(C) 5326/2020 & CM APPL. No.19216/2020

1. This writ petition is filed seeking appropriate directions to direct the National Council for Teacher Education (*hereinafter referred to as the 'NCTE'*) to decide the appeal submitted by the petitioner under section 18 of the NCTE Act, 1993. A direction is also sought to stay the operation of the withdrawal order dated 05.09.2019 issue by WRC under section 17 of the NCTE Act, 1993 till final decision of the statutory appeal.

2. It is the case of the petitioner that on 24.07.2006 it was granted recognition by WRC for conducting B.Ed. course with annual intake of 100 students. On 31.05.2015, WRC issued a revised recognition order for running B.Ed. courses with intake of two basic units of 100 students. On

21.09.2016, WRC reduced the intake of the petitioner from two units to one unit.

3. Subsequently, pursuant to a show cause notice, WRC in its 310th meeting held on 19th to 21st August, 2019 decided to withdraw the recognition of the petitioner institution. The petitioner has filed a statutory appeal before the appellate authority under section 18 of the NCTE Act, 1993. The matter was heard on 28.07.2020 but the order of the appellate authority has not yet been uploaded on the internet.

4. Today, learned counsel for the respondents submits that she has instructions to state that the appellate authority would be shortly uploading the order in question.

5. Learned counsel for the petitioner however states that this court may stay the impugned withdrawal order inasmuch as the counselling has began and the appellate authority is likely to take some time to upload its order. The petitioner, it is pleaded, would suffer irreparable loss as it is an old institution that was recognized way back in 2006. He also submits that a perusal of the withdrawal order dated 05.09.2019 would show that the petitioner has been penalised for not having staff for intake of two units whereas in 2016 the petitioner was permitted only one unit of 50 seats.

6. A perusal of the withdrawal order dated 05.09.2019 shows that there is merit in the contention of the learned counsel for the petitioner. In para 10, the withdrawal order notes that on 13.10.2016 the reduced intake order was issued. However, in para 13, the order states that the petitioner institution has submitted a staff list of 1 + 7, which is insufficient for two units of B.Ed. course. It is manifest that there is some confusion on the part of the respondents as admittedly since 2016 the petitioner is functioning

only with one unit of B.Ed. No doubt, the para 13 also points out another defects, namely, Faculty of Fine Arts and Music subject not appointed.

7. Learned counsel for the petitioner states that this requirement has already been fulfilled by the petitioner.

8. Keeping in view the aforesaid facts and also keeping into account the fact that under section 17(1) of the NCTE Act, the recognition is withdrawn with effect from the end of the academic session 2020-21, the petitioner has made out a *prima facie* case. It would be in the interest of justice that till the appellate authority decides the appeal filed by the petitioner, the impugned withdrawal order dated 05.09.2019 be stayed.

9. Accordingly, the said withdrawal order dated 05.09.2019 is stayed till disposal of the appeal by the appellate authority. The petitioner is permitted to participate in the present counselling subject to further decision of the appellate authority. The petitioner will be entitled to all consequential benefits of the present stay order. The respondents will take all consequential steps including allowing the petitioner to participate in the counselling for the present academic year i.e. 2020-21 for 50 seats of the B.Ed. course forthwith.

10. 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 20, 2020/v