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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5341/2020 & CM APPL. 19274-75/2020
COLONEL FATEH JANG COLLEGE ... Petitioner
Through Mr.Mayank Manish & Mr.Ravi Kant,
Advs.
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
21.08.2020

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This hearing is conducted through video conferencing.

1. This writ petition is filed seeking a direction to WRC to issue a revised order for 100 intake and intimate the decision to the concerned authorities forthwith.
2. That WRC, NCTE vide its order dated 29.07.2008 granted recognition to the petitioner for running B.Ed. courses with an annual intake of 100 students. On 31.05.2015 a revised recognition was also granted for intake of 100 students annually.
3. Subsequently, WRC vide its communication dated 28.09.2018 decided to reduce the intake of the petitioner from 100 seats to 50 seats. The petitioner filed an appeal before the Appellate Authority. Vide its order dated 11.03.2019, the Appellate Authority remanded the matter back to WRC. WRC vide its order dated 06.09.2019 again reconfirmed the order dated 28.09.2018 for intake of one unit. It was stated by WRC in its said order that in the additional list of 6 faculty members, the staff at serial Nos.

4, 5 and 6 are not qualified as they are not having NET/Ph.Ed. as per NCTE amended regulations.

4. The petitioner again filed an appeal against the said order of WRC dated 06.09.2019. This appeal has been disposed of on 15.07.2020 noting that the teachers in question are staff members who are in the Fine Arts Faculty, Dance Teacher Faculty and Physical Education Faculty. These staff members do not require NET/Ph.Ed. Under the revised guidelines they are required to have a degree of M.Ed. which the faculty members have. The matter was remanded back to the WRC.

5. Learned counsel for the petitioner urges that the Appellate Authority vide its order dated 15.07.2020 should have quashed the aforesaid order of the WRC as it is erroneous on the face of it. Instead the matter has been remanded back to WRC. Further the petitioner is now being stopped from participating in the counselling for 100 seats which it has been doing continuously since 2008. It is confirmed that even last year the petitioner was allowed to participate in the counselling and has an intake of 100 students.

6. Reference may be had to the order of this court dated 08.05.2019 in W.P.(C) No.4959/2019 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.”

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7. Keeping in view the above position, the order of WRC dated 06.09.2019 is accordingly stands quashed. The petitioner is permitted to participate in the counselling for the 100 students for the academic year 2020-21 subject to further orders that WRC may pass pursuant to the remand done by the Appellate Authority dated 15.07.2020.

8. The WRC is free to adjudicate the case of the petitioner in terms of the directions passed by the Appellate Authority and as per law.

9. The respondent will take all consequential steps including issuing communication to the affiliating university.

10. Petition stands disposed of. All other pending applications, if any, be also disposed of accordingly.

JAYANT NATH, J.

AUGUST 21, 2020/st