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

+ W.P.(C) 5322/2020 & CM No. 19205/2020

SARDAR SINGH MEMORIAL
COLLEGE OF EDUCATION

..... Petitioner

Through Mr.Apoorv Chandra Saxena, Adv.

versus

NATIONAL COUNCIL FOR
TEACHER EDUCATION

..... Respondent

Through Ms.Arunima Dwivedi, Standing
Counsel

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **24.08.2020**

This hearing is conducted through video conferencing.

1. This writ petition is filed by the petitioner seeking an appropriate writ to *set aside*/modify the order of the appellate authority dated 15.07.2020 to the extent that it does not *set aside* the withdrawal order dated 04.09.2019.
2. The case of the petitioner is that the petitioner institution was granted recognition for conducting a B.Ed. course on 15.06.2006. A revised recognition order was issued on 31.05.2015. On 30.08.2016, a show cause notice was issued to the petitioner pursuant to the meeting of respondent No.2. A reply was submitted by the petitioner to the show cause notice. However, on 04.09.2019, a withdrawal order has been issued by WRC. The petitioner preferred an appeal before the appellate authority under section 18 of the NCTE Act, 1993. The appellate authority has allowed the appeal and remanded the matter back to WRC.
3. The grievance of the petitioner is that the appellate authority has not quashed the order of withdrawal.

4. A perusal of the order of the appellate authority dated 15.07.2020 shows that it accepts that the necessary documents including approval of faculty, change of land use certificate, non-encumbrance certificate, building completion certificate and building plan have been duly placed on record. However, it chose to remand the matter back to WRC.

5. 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 v. 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.

....”

6. In view of the above, the impugned withdrawal order of WRC dated 04.09.2019 is accordingly stands quashed. The petitioner is permitted to participate in the counselling for the current academic year i.e. 2020-21 subject to further orders that WRC may pass pursuant to the remand done by the appellate authority dated 15.07.2020.

7. The WRC is free to adjudicate the case of the petitioner in terms of the directions passed by the appellate authority uninfluenced by any observations made by this court and as per law.

8. The respondent will take all consequential steps forthwith including allowing the petitioner to participate in the counselling for the current academic session i.e. 2020-21 and correcting the position of the petitioner on the website with appropriate communication to the affiliating university/ authority.

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 24, 2020/v