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

+ W.P.(C) 5397/2020 and CM Nos. 19452-53/2020

YUWA VYAVSAIK SHIKSHAN

MAHAVIDYALAYA & ANR.

..... Petitioners

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

versus

NATIONAL COUNCIL FOR

TEACHER EDUCATION & ANR.

..... Respondents

Through Ms.Arunima Dwivedi, Standing
Counsel for NCTE.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

19.08.2020

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This hearing is conducted through Video-Conferencing.

1. This writ petition is filed by the petitioners seeking a direction to hold that the order dated 02.03.2020 passed by respondent No.1 necessarily and impliedly annuls the impugned order dated 04.09.2019 passed by respondent No.2 by which the recognition of the petitioner No.2 institution for B.Ed. course was withdrawn.

2. The petitioner No.2 was granted recognition on 26.12.2006 for B.Ed. course. In 2015 after notifications of new regulations, NCTE issued guidelines for all institutions. A revised recognition order was also issued. The case of the petitioner is that in compliance of the show cause notices issued on 19.09.2016 and 15.02.2017, the petitioners submitted the required

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documents to WRC in 14.03.2017. The withdrawal order was however passed by WRC on 04.09.2019. Aggrieved by the said order, the petitioner filed a statutory appeal before NCTE on 14.11.2019. By the impugned order dated 02.03.2020, the Appellate Authority has accepted the contentions of the petitioner and has remanded the matter back to WRC. The grievance of the petitioner is that the impugned order passed by WRC dated 04.09.2019 has not been quashed and the matter has simply been remanded back to WRC by the Appellate Authority to reconsider its decision based on the documents supplied by the petitioner.

3. Learned counsel for the petitioners relies upon the judgment of a coordinate 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 04.09.2019 should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 02.03.2020 shows that it notes the contentions of the petitioners that during the hearing of the appeal, on 31.01.2020, the petitioners submitted copies of (i) Approval letter dated 20/12/2019 issued by Jiwaji University, Gwalior, (ii) List of faculty (iii) Building Plan, (iv) NEC dated 15/09/2019, (v) CLU, (vi) B.C.C. and (vii) FDRs. The Appellate Authority thereafter decided that the petitioners may submit originals of approval letter, faculty list and FDRs and originally certified copies of N.E.C., C.L.U., B.C.C. to WRC within 15 days and WRC shall on receiving required documents re-visit the matter and after verifying the authenticity of submitted documents, issue appropriate orders afresh.

5. Learned counsel for the respondents states that the WRC will be

taking a decision shortly and hence there are no reasons to pass any orders in favour of the petitioners.

6. Learned counsel for the petitioners has strenuously urged that counselling for the next academic session has commenced from 05.08.2020 and the name of the petitioner institution is missing from the list of authorized institutions. He submits that on account of the act of the Appellate Authority, grave prejudice is being caused to the petitioner which is an institution of more than 14 years of standing.

7. 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 vs. 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.”

8. In view of the above, in my opinion, the net effect of the order of the Appellate Authority dated 02.03.2020 is that the order passed by WRC dated 04.09.2019 stands quashed. It is ordered accordingly. The WRC is free to take its decision as per law based on the documents submitted by the petitioner.

9. Accordingly, the writ petition is disposed of. All pending

applications, if any, also stand disposed of. All consequential reliefs will be granted to the petitioner including participation in the on-going counselling for academic session 2020-21.

JAYANT NATH, J

AUGUST 19, 2020

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