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

+ W.P.(C) 5494/2020 and CM No. 19787-88/2020

YUWA VYAVSAIK SHIKSHAN

MAHAVIDYALAYA & ANR.

..... Petitioners

Through Mr. Amitesh Kumar, Ms.Priti Kumari
and Ms.BinisaMohanty, 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

20.08.2020

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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 19.03.2020 passed by respondent No.1 necessarily and impliedly annuls the impugned order dated 27.02.2018 passed by respondent No.2 by which the recognition of the PetitionerNo.2 institution for B.P.Ed. course was closed.

2. The petitionerNo.2 was granted recognition on 27.12.1999 for B.P.Ed. course. The case of the petitioner is that on the basis of fake letter submitted by an unknown person and in the absence of any resolution for closure submitted by petitioners, the WRC vide its order dated 27.02.2018 closed the B.P.Ed. course in petitioner No.2 institution. Aggrieved by the

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said order, the petitioner filed a statutory appeal before NCTE. By the impugned order dated 19.03.2020, 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 27.02.2018 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 petitioner 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 dated 27.02.2018 of WRC for closure of B.P.Ed. course should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 19.03.2020 shows that the Appellate Authority noted contentions of the petitioner and noticed that WRC had taken considerable long time and the delay between issue of SCN dated 22.12.2014 and issue of closure order dated 27.02.2018 is not justifiable and WRC before taking a final decision after a prolong period of four years should have considered and examined the points mentioned in the impugned order dated 19.03.2020. The Appellate Authority thereafter decided to remand the matter back to WRC with a direction that the petitioner may submit (i) Lists of students admitted and awarded degrees of B.P.Ed. course since 2014-15, (ii) affiliation letters of the university pertaining to B.P.Ed. course, (iii) Bank Statement in support of salary having been remitted into the bank accounts of faculty since 2014-15 to WRC within 15 days and WRC shall on receiving required documents, will

re-visit the matter and 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 petitioner.

6. Learned counsel for the petitioner has strenuously urged 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 21 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 19.03.2020 is that the order dated 27.02.2018 passed by WRC stands quashed. It is ordered accordingly. The WRC is free to re-visit the matter in terms of appeal committee's order dated 19.03.2020

and 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 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 20, 2020
rb/d

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