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

+ W.P.(C) 5539/2020 & CM APPLs. 19960-61/2020

MAA DEVIN SHIKSHA EVAM BAAL KALYAN

SAMITI & ANR.

... Petitioners

Through Mr.Amitesh Kumar, Ms.Preeti
Kumari & Ms.Binisa 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

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21.08.2020

This hearing is conducted through video conferencing.

CM APPL. 19960-61/2020

Allowed subject to all just exceptions.

W.P.(C) 5539/2020

1. This writ petition is filed by the Petitioners seeking a direction to hold that the withdrawal order dated 01.08.2019 issued by Respondent no.2/WRC stands quashed/annulled by the order dated 19.03.2020 passed by respondent no.1/NCTE appeal committee.

2. The petitioner No.2 was granted recognition on 24.03.2008 for B.Ed. course with an intake of 100 students. In 2015 after notifications of new regulations, NCTE issued guidelines for all institutions. A revised recognition order was also issued on 31.05.2015. The case of the petitioner is that the show cause notices issued on 28.09.2016 and 15.02.2017 were not

received by petitioners, therefore, reply could not be submitted. The withdrawal order was however passed by WRC on 01.08.2019. Aggrieved by the said order, the petitioner filed a statutory appeal before NCTE on 24.12.2019. 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 01.08.2019 has not been quashed and the matter has simply been remanded back to WRC by the Appellate Authority to revisit the matter based on the documents to be submitted by the petitioner.

3. Learned counsel for the petitioner has relied upon a 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 01.08.2019 should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 19.03.2020 shows that it notes the contentions of the petitioner that it did not receive the show cause notice dated 15.02.2017. The Appeal committee further notes that Petitioners have submitted copies of Letter dated 22/02/2020 of affiliating body, List of faculty and CLUs, NEC, Building Plan, Building Completion Certificate, FDRs etc. The appeal committee further noted that the Petitioner institution is conducting B.Ed. programme since the year 2008 and at present seems to have complied with the conditions required as per show cause notice. Thereafter the appellate authority decided that the petitioner may submit originals copies of all required documents to WRC within a period of 15

days of the issue of appeal order and WRC shall on receiving the required documents, re-visit the matter.

5. Learned counsel for the respondents state 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 that the 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 12 years of standing.

7. Reference may be had to the order of a coordinate bench 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.*** 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 passed by WRC dated 01.08.2019 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, be also disposed of.

10. 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 21, 2020/