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

+ W.P.(C) 5544/2020

SHIV SHIKSHA MAHAVIDALAYA 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.

CM APPLs.19985-19986/2020

Applications are allowed, subject to all just exceptions.

W.P.(C) 5544/2020 & CM APPL.19984/2020

1. This writ petition is filed by the petitioner seeking an appropriate direction to hold that the order dated 02.03.2020 passed by respondent No.1 necessarily implies that the withdrawal order dated 04.09.2019 passed by respondent No.2/WRC stands impliedly annulled.

2. The case of the petitioner is that the petitioner institution was on 24.12.2014 granted recognition for conducting a B.Ed. course. A revised recognition order was issued on 26.05.2015. On 28.02.2017, a show cause notice was issued for submitting certain documents. A reply was submitted to the show cause notice. Thereafter, on 02.02.2018, a second show cause notice is said have been issued by WRC to the petitioner. It is the case of the petitioner that no such show cause notice was received by the petitioner. WRC on 04.09.2019 issued a withdrawal order.

3. Aggrieved by the said withdrawal order, an appeal was filed before the appellate authority, which has been allowed vide order dated 02.03.2020 and the matter has been remanded back to WRC. It is the grievance of the petitioner that the petitioner has complied with all the requirements. The WRC also had a sitting recently and the case of the petitioner had not been considered. Further, the counselling for the current academic session, i.e. 2020-21 has commenced and the petitioner is unable to proceed further in the matter.

4. I may note that the impugned withdrawal order has noted the absence of an approved faculty list as the stated ground for passing the said order as is evident from para 6 of the withdrawal order. Para 7 of the withdrawal order also notes that no reply to the second show cause notice has been received.

5. A perusal of the order of the appellate authority dated 02.03.2020 shows that it notes that the list of Faculty for session 2018-19 approved by the affiliating body, approval letter of University dated 11.11.2019 and other documents have been duly placed on record. Noting the availability of these documents, the appellate authority sought to remand the matter back to WRC.

6. In the above facts, it is clear that the stated deficiency stands cured. The petitioner has made out a *prima facie* case. The petitioner is an institution, which was recognised in 2014 and cannot be made to suffer by missing the present academic session on account of pendency of the matter before WRC.

7. Reference may also 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.

....”

8. Keeping in view the above position, 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 02.03.2020.

9. 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.

10. 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.

11. Petition stands disposed of. All other pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J.

AUGUST 24, 2020/v