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

+ W.P.(C) 5549/2020 and CM Nos. 20014-15/2020

**PRAKHAR PRAGYA SHIKSHA PRASAR AVAM SAMAJ
KALYAN SAMITI & 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

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24.08.2020

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 30.07.2019 passed by respondent No.1 necessarily and impliedly annuls the impugned order dated 12.04.2019 passed by respondent No.2 by which the recognition of the PetitionerNo.2 institution for M.Ed. course was withdrawn.
2. The petitionerNo.2 was granted recognition on 28.08.2008 for M.Ed. course. 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 in compliance of the revised recognition order, the petitioner submitted compliance on 26.10.2015 and

thereafter without issuing any show cause notice, the withdrawal order was passed by WRC on 12.04.2019. Aggrieved by the said order, the petitioner filed a statutory appeal before NCTE on 10.05.2019. By the impugned order dated 30.07.2019, 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 12.04.2019 has not been quashed and the matter has simply been remanded back to WRC by the Appellate Authority with a direction to issue a show cause notice to petitioner in the first instance and then take further action as per provisions of NCTE Act.

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 of WRC withdrawing recognition dated 12.04.2019 should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 30.07.2019 shows that it notes that according to the provisions contained in Section 17(1) of the NCTE Act, 1993, no order withdrawing recognition against the recognized institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such a recognized institution. The Appeal Committee further noted that the WRC has not given such an opportunity, in the form of show cause notice to the petitioner institution. In the circumstances, Appellate Authority decided to remand the matter back to WRC with a direction to issue, in the first instance a show cause notice to the petitioner institution and then take

further action as per provision of NCTE Act, 1993.

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 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 12 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 30.07.2019 is that the order passed by WRC dated 12.04.2019 stands quashed. It is ordered accordingly. The WRC is free to take its decision as per directions of the appellate authority in

accordance with law uninfluenced by any observations made herein.

9. Accordingly, the writ petition is disposed of. All pending applications also stand disposed of. All consequential relief will be granted forthwith to the petitioner including correction of petitioner's status as recognized institution on the website of Respondents and a communication will be issued to the Department of Higher Education, Madhya Pradesh and Affiliating University enabling inclusion of petitioner institution for participation in the on-going counselling for academic session 2020-21.

JAYANT NATH, J

AUGUST 24, 2020

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