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

+ W.P.(C) 5567/2020

MATUSHRI AHILYA DEVI TEACHER
EDUCATION INSTITUTE

..... Petitioner

Through Mr.Mayank Manish and Mr.Ravi
Kant, Advs.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR

..... Respondents

Through Ms.Arunima Dwivedi, Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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24.08.2020

This hearing is conducted through video conferencing.

CM APPL.20112/2020

Allowed subject to all just exceptions.

W.P.(C) 5567/2020 & CM APPL.20110/2020

1. This writ petition is filed by the petitioner seeking an appropriate direction to respondent No.2 to issue restoration order and to intimate the recognized status of the petitioner to the Department of Higher Education, State of Madhya Pradesh for the purpose of ongoing counselling for the academic session 2020-21.

2. The case of the petitioner is that it was granted recognition for running B.Ed. course on 15.07.2004. Vide order dated 28.08.2019 WRC withdrew the recognition of the petitioner institution. The petitioner filed an appeal and the appellate authority has on 15.07.2020 accepted the appeal of the petitioner and has quashed the withdrawal order dated 28.08.2019. The

matter has been remanded back to WRC.

3. The grievance of the petitioner is that despite the fact that withdrawal order has been quashed, no consequential steps are being taken by the respondents. Counselling for the present academic sessions, i.e. 2020-21 has already been commenced.

4. 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 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.

....”

5. Keeping in view the above position, the recognition of the petitioner institution is restored. The petitioner is permitted to participate in the counselling for the current academic session i.e. 2020-21 subject to further orders that WRC may pass pursuant to the remand done by the Appellate Authority.

6. 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.

7. 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.
8. Petition stands disposed of. All other pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J.

AUGUST 24, 2020/v