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

+ W.P.(C) 5585/2020 and CM Nos. 20177-178/2020

**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
24.08.2020

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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 17.02.2020 passed by respondent No.1 necessarily and impliedly annuls the impugned order dated 05.09.2019 passed by respondent No.2 by which the recognition of the PetitionerNo.2 institution for B.Ed. course was withdrawn.
2. The petitionerNo.2 was granted recognition on 28.01.2008 for B.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 show

cause notice issued on 12.05.2017, the petitioners submitted the required documents to WRC on 17.06.2017. The withdrawal order was however passed by WRC on 05.09.2019. Aggrieved by the said order, the petitioner filed a statutory appeal before NCTE on 13.11.2019. By the impugned order dated 17.02.2020, 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 05.09.2019 has not been quashed and the matter has simply been remanded back to WRC by the Appellate Authority for re-visiting the matter 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 of WRC withdrawing recognition dated 05.09.2019 should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 17.02.2020 shows that the Appeal Committee noted that the show cause notice was issue on 12.05.2017 and institution submitted reply dated 17.06.2017 and as such the issue of withdrawal order after more than two years was not appropriate. The appellant during the course of hearing of appeal on 29.01.2020 submitted a fresh list of faculty containing the date of appointment, copies of building plan, building completion certificate, FDRs, NEC dated 31.10.2019 etc. The appellate committee noted that the institute is running B.Ed. course since 2008. The Appellate Authority thereafter decided that the petitioner may submit the certified copies of all the aforesaid documents to

WRC within 15 days and thereafter, WRC will re-visit the matter.

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 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 17.02.2020 is that the order passed by WRC dated 05.09.2019 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 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/rb/d