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

+ W.P.(C) 5575/2020 and CM Nos. 20149-10150/2020

R K GUPTA MEMORIAL INSTITUTE OF TECHNOLOGY AND  
MANAGEMENT ..... 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**

**26.08.2020**

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This hearing is conducted through Video-Conferencing.

1. This writ petition is filed seeking appropriate orders to stay the operation of the withdrawal order issued by NRC on 10.07.2020 till disposal of the statutory appeal.
2. The case of the petitioner is that the petitioner institution vide order dated 10.11.2003 was granted recognition for running a B.Ed. course with an annual intake of 100 students. On 23.05.2015, NRC issued a revised recognition to the petitioner for 100 intake annually. On 22.03.2018, NRC issued a show cause notice to the petitioner seeking various details including staff approvals, etc. In 2018, six faculty members left the petitioner institution. The petitioner appointed six new faculty members which have been duly approved by the affiliating University. Another show cause notice

was issued to the petitioner on 10.06.2019. NRC on 10.07.2020 has passed the withdrawal order.

3. A perusal of the withdrawal order dated 10.07.2020 shows that the same relies upon a communication received from Dr. B.R.A. University, Agra dated 19.01.2019 which mentions about necessary approvals of the University for the faculty members. It is an admitted case that the petitioner has a faculty of 16 persons. Learned counsel for the petitioner submits that the said staff has been duly approved by the University in question and the approvals are on record.

4. The petitioner has also filed an appeal before the Appellate Authority on 21.07.2020 against the withdrawal order.

5. Learned counsel for the petitioner submits that the petitioner is a working institution since 2003 and is fulfilling the relevant criteria. He submits that grave and irreparable loss would be caused, in case the institution is closed. It is pleaded that the Appellate Authority has no power to grant interim orders.

6. A perusal of the closure order shows that the same is applicable with effect from the end of the next academic year, namely, 2020-21. In these facts and circumstances, let the petitioner be allowed to participate in the counselling and admit students for the present academic year. This direction is passed subject to further orders that the Appellate Authority may pass.

7. The Appellate Authority may dispose of the appeal of the petitioner as per law uninfluenced by any observations made by this court.

8. The respondent will forthwith take all consequential steps to allow the petitioner to participate in the present counselling including change of the status of the petitioner on their website and appropriate intimation to the

affiliating University and to the Department of Higher Education.

9. Nothing further survives in this petition. The petition is accordingly disposed of. Pending applications also stand disposed of.

**JAYANT NATH, J**

**AUGUST 26, 2020**

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