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

+ W.P.(C) 5626/2020

VIDYASAGAR COLLEGE M ED

..... 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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25.08.2020

This hearing is conducted through video conferencing.

CM APPL. No.20378/2020(*exemption*)

Allowed subject to all just exceptions.

W.P.(C) 5626/2020 & CM APPL. No.20377/2020

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 NCTE passed a recognition order on 10.01.2008 granting to the petitioner permission to start an M.Ed.(Co. Ed.) course with an annual intake of 25 (PG) students. Later on, this was vide revised order dated 16.05.2015 increased 50(PG) students. On 09.08.2019,

WRC issued a withdrawal order. The petitioner challenged the said order before the appellate authority. The appellate authority on 05.12.2019 allowed the appeal of the petitioner and remanded the matter back to WRC for reconsideration. The matter is pending before WRC and a fresh show cause notice is said to have been issued to the petitioner on 06.03.2020.

3. Learned counsel for the petitioner submits that the petitioner may be permitted to participate in the counselling and admit the students for the current academic session i.e. 2020-21, which is presently going on. He reiterates that the petitioner is an old college which was recognized more than 10 years ago and should not be penalised in this manner.

4. A perusal of the order of the appellate authority dated 05.12.2019 shows that it concludes that the reply to the show cause notice has been sent by the petitioner but the ground for passing of the withdrawal order is 'non-receipt of a reply'. The order concludes that the withdrawal order is not valid. Unfortunately, the appellate authority did not choose to quash the original withdrawal order.

5. In any case, the recognition of the petitioner has been withdrawn with effect from the end of the next academic session.

6. 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.
....”

7. Keeping in view the above position, the withdrawal order dated 09.08.2019 is hereby quashed. The petitioner is permitted to participate in the counselling to admit the students for the current academic session, i.e., 2020-21.

8. This order is subject to further orders and directions that WRC may pass in the pending proceedings. The WRC may complete the necessary proceedings uninfluenced by any observations made by this court and as per law.

9. The respondents will take all consequential steps forthwith including changing the status of the petitioner on the website and informing the affiliating university/authority.

10. Nothing further survives in this petition. The petition is accordingly disposed of. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

AUGUST 25, 2020/v