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

+ W.P.(C) 5983/2020 and CM Nos. 21634-21636/2020

GIS COLLEGE & ANR. Petitioners
Through Mr.Amitesh Kumar, Ms.Priti Kumari
and Ms.Binish 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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08.09.2020

This hearing is conducted through Video-Conferencing.

1. This writ petition is filed by the petitioners seeking appropriate directions to NCTE to decide the appeal submitted by the petitioners under Section 18 of the NCTE Act in a time bound manner. Directions are also sought to stay the operation of the withdrawal order dated 04.09.2019 issued by WRC under Section 17 of the Act during the pendency of the present petition. Other connected reliefs are also sought.
2. The case of the petitioners is that it was granted recognition on 27.02.2008 for conducting B.Ed course. In 2015, WRC issued a revised recognition order dated 18.05.2015 for running B.Ed course with an intake of two basic units (100 seats). After several show cause notices, in the meeting held on 19-21/08/2020, WRC decided to withdraw the recognition

under Section 17(1) of the NCTE Act for B.Ed. course from the end of the academic session next following the date of the communication of the said order. A formal withdrawal order was passed on 04.09.2020. The petitioners have filed a statutory appeal under Section 18 of the Act which is said to be pending.

3. Learned counsel for the petitioners pleads that there are no powers with the Appellate Authority to pass interim orders. He further states that in any case, the order of withdrawal is with effect from the end of the next academic session i.e. 2020-21.

4. A perusal of the withdrawal order dated 04.09.2019 shows that the same notes that a show cause notice was issued to the petitioner for not submitting documents including the original staff profile for 2015-2016 duly approved by the affiliating body, notarized CLU/NEC/BP and building completion certificate. Based on the fact that no reply was received to the show cause notice, the withdrawal order was passed.

5. Learned counsel for the petitioners has pointed that no show cause notice was received by the petitioners and hence, no reply could be filed. He also states that this plea has been taken before the Appellate Authority. Further, the documents mentioned in the withdrawal order are very much available with the petitioners and have been placed before the appellate Authority.

6. In view of the aforesaid facts, the petitioners have made out a prima facie case. As the withdrawal is only with effect from the end of the next academic year i.e. 2020-21, let the petitioners be allowed to participate in the counselling for the present academic session i.e. 2020-21 subject to further orders of the Appellate Authority.

7. The Appellate Authority is free to deal with the appeal as per law uninfluenced by any observations made by this court.

8. In the meantime, the respondent shall take all consequential steps to allow the petitioners to participate in the counselling for this academic year including change of the status of the petitioners on their website and appropriate intimation to the affiliating University and to the Department of Higher Education, State of Madhya Pradesh. Needful be done within two days.

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

JAYANT NATH, J

SEPTEMBER 8, 2020

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