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

+ W.P.(C) 6108/2020 and CM Nos. 21954-55/2020

RAJEEV GANDHI COLLEGE & ANR. ...Petitioners

Through Mr.Amitesh Kumar, Ms.Priti  
Kumari and Ms.Binisa 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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**09.09.2020**

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 05.07.2019 passed by respondent No.1/NCTE necessarily and impliedly annuls the impugned withdrawal order dated 25.01.2019 passed by respondent No.2/WRC by which the recognition of the Petitioner No.2 institution for B.Ed. course was withdrawn.
2. The Petitioner No.2 was granted recognition on 11.10.1994 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 21.07.2016, the petitioners submitted the required documents to WRC on 09.08.2016 and again on 16.02.2017. Thereafter, as required by WRC in terms of its decision taken in 284<sup>th</sup> meeting held on November 28-29, 2017, the Petitioner submitted clarification on

10.01.2018. The withdrawal order was however passed by WRC on 25.01.2019. Aggrieved by the said withdrawal order, the petitioner filed a statutory appeal before NCTE on 19.03.2019. By the impugned order dated 05.07.2019, 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 dated 25.01.2019 passed by WRC has not been quashed and the matter has simply been remanded back by Appellate Authority to WRC with a direction to reconsider the matter based on the documents to be supplied by the petitioner.

3. Learned counsel for the petitioner relies upon the judgment of a coordinate bench of this court titled as *Anjuman College of Education vs. National Council for Teacher Education & Anr.* dated 10.07.2019 passed in W.P.(C) No. 7365/2019, to submit that in these circumstances the impugned order of WRC withdrawing recognition dated 25.01.2019 should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 05.07.2019 shows that the appellant had submitted the documents which were demanded in the withdrawal order. The Appellate Authority thereafter decided to remand the matter back to WRC with a direction to the petitioner to submit all documents again to WRC within a period of 15days.

5. Learned counsel for the respondents states that the WRC will be taking a decision shortly and hence there is no reason to pass any orders in favour of the petitioner.

6. Learned counsel for the petitioner has strenuously urged that 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

recognized 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 26 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:-

“xxx

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 are consideration.”

8. In view of the above, in my opinion, the net effect of the order of the Appellate Authority dated 05.07.2019 is that the order passed by WRC dated 25.01.2019 stands quashed. It is ordered accordingly. The WRC is free to take its decision as per order passed by appellate authority in accordance with 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 within two days.

**JAYANT NATH, J.**

**SEPTEMBER 09, 2020/v**