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

+ W.P.(C) 6526/2020

ARIHANT COLLEGE & ANR.

..... Petitioner

Through Mr.Amitesh Kumar, Ms.Priti Kumari
and Ms.Binisha Mohanty, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

..... Respondent

Through Ms.Arunima Dwivedi, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

16.09.2020

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This hearing is conducted through Video-Conferencing.

CM No.22849/2020 & 22850/2020

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 6526/2020

1. This writ petition is filed by the Petitioners seeking a direction to hold that the order dated 23.12.2019 passed by the Appellate Authority necessarily and impliedly annuls the impugned order dated 10.10.2019 passed by respondent No.2/WRC by which the recognition of the Petitioner No.2 institution for M.Ed. course was withdrawn.

2. The case of the petitioner is that the petitioner No.2 was granted recognition on 15.03.2008 for M.Ed. course with an intake of 25 students. Sometimes in 2015 after the notification of new regulations, NCTE issued guidelines for all the institutions. A revised recognition order was issued

by respondent no.2/WRC on 31.05.2015. It is stated that in compliance of the show cause notice issued on 06.01.2017, the petitioners submitted the required documents to WRC by their reply letter dated 19.01.2017. Thereafter, in view of decision taken by WRC in 296th meeting held on 28th – 29th August, 2018, the Petitioners further submitted requisite documents vide their letter dated 04.09.2018. The withdrawal order was, however, passed by WRC on 10.10.2019. Aggrieved by the said withdrawal order, the petitioner filed a statutory appeal before NCTE on 22.10.2019. By the impugned order dated 23.12.2019, 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 order dated 10.10.2019 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 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 10.10.2019 should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 23.12.2019 shows that it notes that the appellant submitted all the documents. The Appellate Authority thereafter decided to remand the matter back to WRC to consider the documents to be submitted by petitioners within 15 days and take further action as per NCTE Regulations, 2014.

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 that counseling for the present 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 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 are consideration.”

5.

8. In view of the above, in my opinion, the net effect of the order of the Appellate Authority dated 23.12.2019 is that the order passed by WRC dated 10.10.2019 stands quashed. It is ordered accordingly. The WRC is free to take steps and decision as per order passed by the

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 reliefs 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 counseling for academic session 2020-21.

JAYANT NATH, J

SEPTEMBER 16, 2020