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

+ **W.P.(C) 7635/2019**

TARAKNATH COLLEGE OF EDUCATION Petitioner

Through: Mr. Kunal Chatterji, Advocate.

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION AND
ANR.** Respondents

Through: Mr. Mohit Siwach, Advocate for
Mr. Karan Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **27.02.2020**

1. Via this writ petition, the petitioner has assailed the order of the Appeal Committee dated 27.03.2019 whereby the decision of the Eastern Regional Committee (in short "ERC") dated 29.12.2017 was sustained.

2. The impact of this order was that the petitioner's application to seek recognition qua B.Ed course was rejected.

3. The Appeal Committee, *inter alia* in the operative part of its order sets out the following reason for disposal of the appeal: -

"AND WHEREAS Appeal Committee noted that application seeking recognition for B.Ed course was rejected parallel to the rejection of the application for D.El.Ed. course on the ground that NCTE Regulation 3 (a) provides for commencement of new teacher education

programmes in composite institution. Appeal Committee further noted that appellant also filed an appeal in the D.El.Ed. course which was refused on grounds of appellant's failure to submit compliance in response to L.O.I. Appeal Committee in the case of D.El.Ed. application (ERCAPP 3708) has concluded to confirm the refusal order. Appeal Committee decided to confirm the impugned refusal order in the case of B.Ed course also.”

4. A perusal of the aforementioned extract of the order of the Appeal Committee would show that the reason for sustaining the order of the ERC and rejecting the appeal was that the petitioner’s application qua another course D.El.Ed. had been rejected and consequently, it went on to hold that the petitioner would fall foul of regulation 3(a) of the NCTE (Recognition Norms & Procedure) Regulations, 2014 which required it to be a composite institution.

5. The Appeal Committee’s order which concerned the petitioner’s application for seeking recognition vis-à-vis D.El.Ed. course was passed on the same date i.e. 27.03.2019. This order was also assailed by the petitioner via writ petition no. 7646/2019.

5.1 The said writ petition is also listed on my board today. I have allowed W.P. (C) no. 7646/2019 and set aside the order of the Appeal Committee as well as the ERC vide a separate order passed today i.e. 27.02.2020.

6. Consequently, this appeal would also have to be allowed.

7. Resultantly, both impugned orders concerning the Appeal Committee and the ERC are set aside.

8. This matter is also remitted to the ERC for a fresh examination.
9. The ERC will take up other matters along with this matter as both, in a sense, are interconnected.
10. The ERC will grant personal hearing to the authorised representative of the petitioner.
11. For this purpose, the ERC will issue notice in writing to the petitioner. The notice will indicate the date and time of hearing.
12. After hearing the authorised representative of the petitioner, the ERC will pass a speaking order; a copy of which will be furnished to the petitioner.
13. In case, the order passed by the ERC is adverse to the interest of the petitioner, the petitioner will have the liberty to assail the same as per law.
14. The ERC will endeavour to hear the matter at the earliest.
15. The writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

FEBRUARY 27, 2020

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