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

+ W.P.(C) 9946/2019 & CM APPL. 41146/2019

MADHURIBAI DESHMUKH SHARIRIK SHIKSHAN

MAHAVIDYALAYA THORUGH VIDYA SHIKSHAN

PRASARAK MANDAL

..... Petitioner

Through: Mr. Apoorv Chandra Saxena,
Advocate.

versus

NATIONAL COUNCIL FOR TEACHAR EDUCATION

THROUGH ITS MEMBER SECRETARY & ANR..... Respondents

Through: Ms. Arunima Dwivedi, Standing
counsel with Ms. Niharika Rai and
Ms. Ankita, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **05.03.2020**

1. The prayer made in the writ petition is as follows:-

“ a. Issue a appropriate Writ, Order or Directions for quashing of the decision taken by the Western Regional Committee in its 310th meeting held from 19.08.19-21.08.19 at S.No.1 whereby the recognition of the petitioner institution running B.P.Ed, course has been withdrawn under the provisions of NCTE ACT,1993 ”

2. Notice in this writ petition was issued on 13.09.2019 when Ms. Arunima Dwivedi entered appearance on behalf of the respondents.

Ms. Dwivedi was given two weeks to file a counter-affidavit in the matter. The matter was posted for further hearing on 21.10.2019. In the interregnum, the operation of the impugned decision concerning the petitioner was stayed.

3. On 21.10.2019, at the joint request of the counsel for parties, the matter was posted for hearing today.

4. Concededly, the counter-affidavit has not been filed on behalf of the respondents.

5. A perusal of the impugned decision taken by the Western Regional Committee (in short “WRC”) in its 310th meeting held between 19.08.2019 and 21.08.2019 shows that the following reasons prevailed with the WRC for withdrawing the petitioner’s recognition.

“The Show Cause Notice was issued to the institution vide letter dated 14/11/2018 and reply received on 10/12/2018.

On perusal of the reply of the institution the committee observed that:

- *The staff profile of 1+8 faculty members of B.P.Ed. course, submitted by the institution, is inadequate (Part time faculty members not appointed & percentage of marks are not mentioned for faculty member) as per Appendix 7 of the NCTE Regulations, 2014.*

- *Original FDRs of Rs. 7+5 lakhs, in Joint operation are not submitted .*

Hence, the committee decided that the withdrawal order dated 04/04/2018 stands.

Consequent upon withdrawal of B.P.Ed, course, M.P.Ed, course may be reviewed.”

(emphasis is mine)

6. Ms. Dwivedi informs me that the petitioner's case, thereafter, was considered by the WRC in its 311th meeting held between 25.09.2019 and 27.09.2019 pursuant to the order dated 13.09.2019, passed by this Court, in W.P. (C) 9946/2019.

6.1 On that date, the WRC recorded the following: -

“On perusal of the representation of the institution the committee observed that the institution has not submitted original FDRs of Rs. 5+7 lakhs towards Endowment Fund & Reserve Fund in Joint name of Society/Institution & Regional Director, WRC, NCTE, New Delhi in original.

Hence, the committee decided to confer last opportunity to the institution to submit the above within 30 days failing which recognition will be withdrawn under section 17 of NCTE Act, 1993.”

(emphasis is mine)

7. Ms. Dwivedi informs me that since then the petitioner has furnished two FDRs having a cumulative value of Rs. 12,00,000/-.

8. These FDRs, according to Ms. Dwivedi, was enclosed with a letter dated 31.10.2019 addressed to the Regional Director, WRC.

9. Given this position, prima facie, it appears that the petitioner has cured the deficiencies pointed out at the WRC's 310th and 311th meeting.

10. In these circumstances, the impugned decision is set aside.

11. The WRC is directed to reexamine the petitioner's case afresh.

12. The WRC will issue a written notice to the petitioner for convening a hearing, if there are still deficiencies to be addressed.
13. If a hearing is convened, the authorised representative of the petitioner will be permitted to make oral submissions.
14. Pending reconsideration of the case, the WRC will continue to show the petitioner as a recognised institution on its web-portal.
15. The writ petition is disposed of in the aforesaid terms.
16. Resultantly, pending application shall stand closed.

RAJIV SHAKDHER, J

MARCH 05, 2020

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