

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL WRIT PETITION NO.469 OF 2021
WITH
INTERIM APPLICATION NO.292 OF 2022**

Pandit Rajpati Mishra College of
Education and Research through
Secretary

...Petitioner

Vs.

The Member Secretary National Council
for Teacher Education and Ors.

...Respondents

Mr. Sandeep Mishra for the Petitioner.
Mr. Satyajeet Rajeshirke for the Respondent Nos.1 and 2.
Mrs. M. S. Srivastav, AGP for the Respondent-State.
Mr. Rui Rodrigues for the Respondent No.4.

**CORAM : NITIN JAMDAR &
AMIT BORKAR, JJ.**

**DATED : 4 FEBRUARY 2022.
(Through Video Conferencing)**

P. C. :

Heard the learned counsel for the parties. Taken up for
disposal by consent.

2. The Petitioner -College run by a Trust has filed this Petition challenging the order dated 11 October 2019 passed by the Regional Director(Western Region), National Council for Teacher Education and the order dated 27 December 2021 passed by the Member Secretary of National Council for Teacher Education. By these orders the recognition granted to the Petitioner to run B.Ed college has been withdrawn and the appeal filed by the Petitioner is dismissed.

3. Having heard learned Counsel for the parties, we are of the opinion that the impugned orders being passed without giving an opportunity to the Petitioner and considering the consequences that ensue, an opportunity needs to be given to the Petitioner to put forth its case.

4. On 27 September 2006, the Petitioner was granted recognition to conduct B.Ed. course with annual intake of 100 students in the Academic Session 2006-07. The withdrawal order issued by Respondent No.2 listed out various shortfalls and when the show cause notice was issued on 28 March 2017 the Petitioner did not submit the reply to the show cause notice dated 28 march 2017. Thereupon, in the meeting held on 27 September 2019, the Committee of NCTE passed order of withdrawal of recognition under section 17(1) of The National Council for Teacher Education Act, 1993. The Petitioner filed Appeal

to Respondent No.1 on 2 December 2019. In the Appeal, a reference was made that the Petitioner had not submitted any reply to the first show cause notice. Before the Appellate Authority the Petitioner made a grievance that he has not received a show cause notice and prayed to give one opportunity to submit relevant documents. During hearing on 1 February 2021, the representative of the Petitioner requested for time. The Appellate Authority heard oral submissions and passed the order.

5. The learned counsel for the Petitioner has sought to argue various grounds on merits and sought to place before us documents to demonstrate that there are no shortfalls, and an opportunity be given to the Petitioner to point out the same. The learned counsel for the Respondent submitted that there are shortfalls such as qualified teachers are not present and that in appeal the Petitioner's representative made oral representation.

6. The fact remains that the Petitioner has not been able to place the requisite documents before the Appellate Authority. Ordinarily, we would not have interfered in the writ jurisdiction because the show cause notice was issued to the Petitioner but because there could arise issue the issue of teachers, employees and the students, who might be prejudiced, an opportunity to the Petitioner of

being heard before the Appellate Authority would be necessary.

7. Therefore we direct the Respondent No.2 to give an opportunity to the Petitioner from the stage of show cause notice onwards and, for this purpose the impugned orders will be considered as *prima facie* opinion of the Authority and the Authority will decide the case on its own merits. While we extend this indulgence, we decline to grant permission to the Petitioner to resume its activities on the premise that the impugned orders are set aside.

8. The learned counsel for the Petitioner states that the Petitioner will appear before the Authority on the dates assigned. The date for the purpose of its appearance before the Authority is fixed on 21 February 2022.

9. With these observations the Petition is disposed of. Interim Application does not survive and is disposed of accordingly.

(AMIT BORKAR, J.)

(NITIN JAMDAR, J.)