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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 22.02.2022

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W.P.(C) 8568/2019&CM APPL. 5832/2022

KHATU SHYAM COLLEGE

..... Petitioner

Through Mr Sanjay Sharawat, Advocate.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondents

Through Mr Shivam Singh, Standing Counsel
with Mr Jaideep Khanna and Mr
Hamza Tariq, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

[Court hearing convened via video-conferencing on account of COVID-19]

1. The substantive prayers made in the writ petition are as follows:

“(a) Issue a writ of Certiorari and quash Regulation 5 [3] of National Council for Teacher Education [Recognition Norms and Procedure] Regulations, 2014 to the extent it requires the Petitioner to submit No Objection Certificate [NOC] issued by the concerned Affiliating Body as the same is ultra vires the NCTE Act, 1993 and Article 14 and 19 of the Constitution of India; and

(b) Issue a writ of certiorari and quash the order dated 10.08.2016 passed by the Respondent No.2 and consequently direct the said Respondent to decide the application of the Petitioner for grant of recognition for B.A.B.Ed/B.Sc.B.Ed course in accordance with law; ”



2. Mr Sanjay Sharawat, who appears on behalf of the petitioner, says that the petitioner metamorphosed into a private university on 05.10.2018, and, thus, stands recognised by the State of Rajasthan.

3. Given this position, Mr Sharawat says that the petitioner is not required to obtain a No Objection Certificate (NOC) under Regulation 5 (3) of the National Council for Teacher Education [Recognition Norms and Procedure] Regulations, 2014 [in short "2014 Regulations"].

3.1. In other words, it is Mr Sharawat's contention that the petitioner cannot obviously be put in a position where it issues an NOC to itself, having now been recognised as a private university.

3.2. Therefore, Mr Sharawat says that the petitioner can now straightaway approach the National Council for Teacher Education (NCTE) for recognition, which was not granted earlier because it did not have an NOC.

3.3. It is in this context that the petitioner in the writ petition had laid, *inter alia*, a challenge to the order dated 10.08.2016 passed by respondent no. 2 i.e., Northern Regional Committee, NCTE. Mr Sharawat says that the work of the Northern Regional Committee is now handled by the Western Regional Committee, insofar as the State of Rajasthan is concerned.

3.4. Thus, it is also Mr Sharawat's contention that prayer clause (a) in the writ petition need not be pressed.

4. On the previous date, we had asked Mr Shivam Singh to obtain instructions in the matter. Mr Singh has reverted with instructions.

4.1. It is Mr Singh's submission that he cannot but accept the fact that since the petitioner has been recognised as a University by the State of Rajasthan, the requirement for it to obtain an NOC has been rendered ineffectual in the petitioner's case.



5. Therefore, the only other issue, even according to Mr Singh, which arises for consideration of respondent no. 2 i.e., now Western Regional Committee, NCTE would be, whether or not the petitioner should be granted recognition.

5.1. We may note that the fact that the petitioner has been recognised as a University, is evident from the document appended as Annexure "A-2" to CM APPL. 5832/2022. This is a document, which establishes that the petitioner has been recognised as a University.

6. Therefore, we are of the opinion that respondent no. 2 i.e., Western Regional Committee, NCTE would have to re-examine the matter as to whether or not the petitioner should be accorded recognition.

6.1. Consequently, the impugned order dated 10.08.2016 is set aside.

6.2. Respondent no. 2/Western Regional Committee, NCTE will re-examine the matter afresh.

6.3. Respondent no. 2/Western Regional Committee, NCTE will be at liberty to call for additional information/documents from the petitioner in case it is deemed necessary.

6.4. Needless to add, since the issue now involved concerns recognition of the petitioner, respondent no. 2/Western Regional Committee, NCTE will act with due expedition.

6.5. The aforesaid exercise will be completed at the earliest, though not later than 12 weeks from the date of the receipt of the copy of the judgement rendered today.

7. Parties will act based on the digitally signed copy of this judgment.

8. The writ petition is disposed of in the aforesaid terms. Consequently, pending application shall stand closed.



NEUTRAL CITATION NO: 2022/DHC/000712

9. Resultantly, the date already fixed in the matter shall stand cancelled.

RAJIV SHAKDHER, J

TALWANT SINGH, J

FEBRUARY 22, 2022/pa

Click here to check corrigendum, if any

