



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + **W.P.(C) 7199/2023 and CM APPL. 28001/2023**

Date of Decision: **26.07.2023**

IN THE MATTER OF:

DECCAN COLLEGE OF EDUCATION
 (ALMAS EDUCATIONAL SOCIETY)
 9-150/46, NEAR M.M. COURT,
 GAJWEL, DIST.: SIDDIPET – 502278, TELANGANA
 THROUGH ITS SECRETARY
 K. VIRAHATH ALI

..... PETITIONER

Through: Mr.Gaurav Arora, Advocate.

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, SECTOR-10, DWARKA, DELHI – 110075

.... RESPONDENT NO.1

SOUTHERN REGIONAL COMMITTEE,
NATIONAL COUNCIL FOR TEACHER EDUCATION
 G-7, SECTOR-10, DWARKA, DELHI – 110075
 (THROUGH ITS REGIONAL DIRECTOR)

..... RESPONDENT NO.2

Through: Mr.Rahul Madan, Standing Counsel
 with Mr.Sandeep Singh Somaria,
 Advocate.

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner has filed the instant writ petition against the order of the Southern Regional Committee (*hereinafter referred to as 'SRC'*) dated 20.04.2022, whereby, the recognition of the petitioner-institution has been

withdrawn with respect to B.Ed. course from the Academic Session 2022-23. The order of withdrawal dated 20.04.2022 has been affirmed in appeal in terms of the order dated 11.01.2023 passed by the Appellate Committee, which has also been challenged in the instant petition.

2. Learned counsel appearing on behalf of the petitioner-institution states that the reasons assigned by the Appellate Committee are perverse and arbitrary. He also states that the petitioner-institution is an ongoing institution which was granted recognition in the year 2008-09 and since then, the petitioner-institution was successfully operating the B.Ed. Course but surprisingly, without following the due process in accordance with law, the order of withdrawal came to be passed. He further states that the Appellate Committee has gone beyond the deficiencies and the reasons which were forming part of the order of withdrawal. According to him, additional reasons have been assigned by the Appellate Committee in rejecting the appeal, and therefore, not only the order of withdrawal but the order passed by the Appellate Committee also suffers from material illegality.

3. Learned standing counsel appearing on behalf of the respondents vehemently opposes the submissions made on behalf of the petitioner-institution and he states that there is no substance in the instant writ petition. According to him, the petitioner-institution lacks the basic eligibility criteria and there is no proof of salary disbursement. In the absence of sufficient proof, it cannot be inferred that the petitioner-institution is fulfilling the requirement of applicable regulations. He also states that even as per the petitioner's own showing, the proof of salary disbursement is not placed on record. Learned counsel appearing on behalf of the respondents further states

that the other documents with respect to land etc. are also required to be submitted by the petitioner-institution, which are also not placed on record.

4. I have heard learned counsel appearing on behalf of the parties and perused the record.

5. The facts of the case would show that the petitioner-institution was granted recognition under Section 14 of the National Council for Teacher Education Act, 1993 (*hereinafter referred to as the 'NCTE Act, 1993'*) vide order dated 30.08.2008 for conducting B.Ed course of one year duration with an annual intake of 100 students. After promulgation of NCTE Regulations, 2014, the petitioner-institution consented to adhere to the norms stipulated therein and a notarized affidavit in that respect was submitted on 28.01.2015.

6. According to the revised recognition, the order was issued on 06.05.2015 for conducting B.Ed course for two years with an annual intake of 100 students (2 basis units of 50 each) from the Academic Session 2015-16. In terms of the request letter dated 10.12.2015 of the petitioner-institution, the intake was decreased from 2 to 1 unit vide order dated 06.09.2017.

7. It is seen that on 21.02.2019, a Show Cause Notice was issued to the petitioner-institution pointing out certain deficiencies. As per the case of the NCTE, the said Show Cause Notice was not replied by the petitioner-institution. The matter was then considered by the SRC and a final Show Cause Notice was decided to be issued. The petitioner-institution thereafter submitted its reply on 30.12.2019. The SRC in its meeting held on 29-30.03.2022 considered the matter and noted certain deficiencies. While

observing those deficiencies, the SRC has decided to withdraw the recognition of the petitioner-institution in terms of Section 17(1) of the NCTE Act, 1993 from the following academic session i.e. Academic Session 2022-23. The deficiencies which form basis for withdrawal of the recognition, read as under:-

“1. The institution submitted a proforma of 15 faculty for B.Ed. Programme signed by the Registrar, Osmania University but the date of approval is not mentioned, and an approval staff letter issued by Registrar has not submitted.

2. Out of 15 faculty, two lecturers namely, Ch. Raju and Ch. Srikanth are not NET/Ph.D. qualified and appointed after 09.06.2017, hence, not eligible for appointment as per NCTE Regulations, 2014 (amended vide notification dated 09.06.2017).

3. The institution did not submit Form ‘A’ issued by the bank for maintenance of FDRs for EF & RF.

4. The institution has submitted matured FDRs of Rs. 7 lakhs & 5 Lakhs.

*5. As per Building Plan, the size of multi-purpose hall is only 141.30 sqm. (15.46*9.14) = (142.85 sq.ft.) which is less than the requirement laid down under NCTE Regulations, 2014.*

6. The building plan is not approved by the competent authority and location of building also not mentioned.

7. An affidavit in original is not submitted.

8. Notarized copy of land documents not submitted. Only Self attested copies submitted.

9. The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.

10. The institution did not submit registration, bye-laws etc. related to the managing society / trust.

11. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014.”

8. The petitioner-institution filed an appeal on 22.05.2022. In appeal memo, the grounds for rejection and their explanation has been mentioned by the petitioner-institution, which reads as under:-

Rejection Details		
S. No.	Rejection Ground	Explanation
1.	STAFF APPROVAL IS NOT THERE	LATEST STAFF APPROVAL AS PER NCTE NORMS IS ENCLOSED
2.	2 STAFF IS NOT AS PER LATEST NORMS	2 STAFF IS RELIVED AS PER LATEST NORMS AND FRESH OPPINTMENT IS TAKEN
3.	FORM A AND FDR IS NOT SUBMITTED	FORM A AND FDR IS ENCLOSED
4.	MATURED FDR	REVALIDATED 5 AND 7 FDR IS ENCLOSED
5.	IN BP MULTIPURPOSE HALL IS LOW	LATEST UPDATED BP WITH SIGNED BY APPROVING AUTHORITY IS ENCLOSED
6.	BP LOCATION AND UPDATED DETAILS IS NOT THERE	BP LOCATION AND UPDATED DETAILS IS ENCLOSED
7.	BP LOCATION AND UPDATED DETAILS IS NOT THERE	BP LOCATION AND UPDATED DETAILS IS ENCLOSED
8.	NOTARIZED COPY OF LAND DOCUMENTS NOT SUBMITTED	NOTARIZED COPY OF LAND DOCUMENTS IS SUBMITTED
9.	WEBSITE DETAILS NOT GIVEN	WEBSITE SCREEN SHOT IS ENCLOSED
10.	SOCIETY REGSTRATION COPY IS NOT ENCLOSED	SOCIETY REGSTRATION COPY IS ENCLOSED
11.	SALARY DISBURSMENT PROOF IS NOT SUBMITTED	SALARY DISBURSMENT PROOF IS NOT SUBMITTED

9. The petitioner-institution has also submitted certain documents in support of the submissions made in the appeal.

10. The appeal of the petitioner-institution has been considered and it has been noted that the institution is deficient on following points:-

“(i) As per the photocopy of the sale deed submitted by the institution the same is not registered by the registering competent authority.

(ii) As per the staff list submitted by the institution the Principal is not qualified as per provisions of the NCTE Regulations, 2014. The submitted staff list shows that the 12 faculty was appointed before 9th June, 2017 and the same was approved on 8.9.2022. The proof regarding disbursement of salary of the teaching staff, whether it is being paid through cheque/online payment has also not been submitted.

(iii) As per the photocopy of the building plan submitted by the institution, the seal of the competent govt. authority is not legible. Hence the same is not acceptable since the authenticity of the same is questionable.

(iv) The Building Completion Certificate submitted by the institution; the seal of the competent govt. authority is not legible. Hence the same is not acceptable since the authenticity of the same is questionable.”

11. It is to be noticed that the first reason for rejection of the appeal of the petitioner-institution is that the copy of the sale deed submitted by the petitioner-institution is a photocopy and the same is not registered by the competent authority.

12. If the order of withdrawal is perused, the same would indicate that the notarized copy of the land document was not found. In the appeal memo, the petitioner has furnished the notarized copy of the land documents. It is thus seen that the reason for rejection of appeal filed on behalf of the petitioner by

the Appellate Authority goes beyond the reason which forms part of the original order. In case there was any requirement of submission of the land related documents approved by any particular authority, the same should have been specifically asked for.

13. The second reason given by the Appellate Authority in rejecting the petitioner's appeal is that as per the staff list submitted by the petitioner, the Principal was not found to be qualified as per the provisions of the NCTE Regulations, 2014. It was also found that the submitted staff list was approved only on 08.09.2022. There was no proof regarding disbursement of salary to the teaching staff.

14. *Per contra*, learned counsel appearing on behalf of the petitioner submits that the proof for disbursement of the salary was placed on record before the Appellate Authority for consideration. He also points out the statement of account between 01.01.2022 to 06.06.2022. According to him, the same is sufficient proof to indicate that the salary of the teaching staff was being paid through the State Bank of India.

15. He further points out that the non-qualification of the Principal as per the provisions of the NCTE Regulations, 2014 was not the reason assigned in the order of withdrawal. According to him, in any case, if the same was the reason, the petitioner should have been served with the notice. In case the opportunity was granted to the petitioner, the petitioner would have clarified that not only the Principal but the other faculty members are also fulfilling the necessary qualifications.

16. The third reason assigned for rejection of the petitioner's appeal is that

as per the photocopy of the building plan submitted by the petitioner-institution, the seal of the competent authority is not legible and hence, the same is unacceptable since the veracity of the said seal is questionable.

17. It is seen that if the relevant documents were not legible, the respondents should have asked the petitioner-institution to furnish the legible copies of the required documents but it should not be the reason to discontinue the recognition that has already been granted to the petitioner-institution.

18. The fourth reason assigned by the Appellate Authority in rejecting the appeal of the petitioner-institution is non-submission of the building plan and the Building Completion Certificate along with the seal of the competent Government authority in legible form.

19. With respect to the fourth and the last reason assigned by the Appellate Authority, learned counsel appearing on behalf of the petitioner-institution states that even otherwise, the fourth reason was not the rationale behind withdrawal of the recognition by the original order.

20. In view of the aforesaid, this court finds that the case of the petitioner-institution requires *de novo* reconsideration by the SRC.

21. Since there are additional reasons assigned by the Appellate Authority which were not the part of the original order of withdrawal and also, keeping in view the fact that the appeal of the petitioner-institution has been decided on technical reasons, the petitioner-institution should not have been condemned unheard. Had the petitioner-institution been provided a reasonable opportunity of hearing, it would have satisfied the concerned

SRC with respect to all noted deficiencies.

22. Taking into consideration the above submissions, this court finds it appropriate to set aside the order of withdrawal passed through 304th Meeting of the Western Regional Committee held on 2nd to 4th April, 2019 and the order of the Appellate Authority dated 22.05.2019. However, setting aside of the order of withdrawal and the order of the Appellate Authority would not revive the recognition of the petitioner-institution. The recognition of the petitioner-institution would remain subject to further decision to be taken by the concerned SRC.

23. The petitioner-institution is directed to appear before the concerned SRC along with all the relevant documents within a period of 15 days from the date of receipt of copy of this order.

24. The concerned SRC is directed to decide the case of the petitioner-institution afresh in accordance with law and if necessary, shall conduct a fresh inspection. If the SRC finds that the petitioner-institution is fulfilling the necessary requirements, in accordance with the applicable regulations, let the order of restoring the recognition of the petitioner-institution be passed and the said exercise be done within a period of 30 days from the date of receipt of copy of this order.

25. With the aforesaid observations, the instant petition stands disposed of alongwith the pending application.

PURUSHAINDRA KUMAR KAURAV, J

JULY 26, 2023/nc