

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10756/2022 & CM APPL. 31255/2022**

Date of Decision: 24.03.2023

IN THE MATTER OF:

**MARYADA PURUSHOTAM COLLEGE OF EDUCATION,
PLOT NO.1245 TO 1248,
VILLAGE & POST SHIHARI, TEHSIL
DUMRAIN, CITY BUXAR, DISTRICT
BUXAR, BIHAR-802101 BEING RUN AND
MANAGED BY INDIAN COMPUTER
EDUCATION SOCIETY, THROUGH ITS
TREASURER** PETITIONER

Through: Mr.Mayank Manish and Mr.Ravi
Kant, Advocates.

Versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION,
G-7 SECTOR – 10
DWARAKA, NEW DELHI- 110075,
THROUGH ITS MEMBER SECRETARY** RESPONDENT NO. 1

**EASTERN REGIONAL COMMITTEE,
NATIONAL COUNCIL FOR TEACHER
EDUCATION,15, NEEL KANTH NAGAR,
NAYAPALLI, BHUBANESWAR – 751012,
ORISSA, THROUGH ITS REGIONAL
DIRECTOR** RESPONDENT NO. 2

Through: Ms.Aakanksha Kaul and Mr.Aman
Sahani, Advocates.

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G M E N T

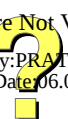
PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner in the instant petition under Article 226 of the Constitution of India is aggrieved by the order of withdrawal of recognition for its B.Ed. course dated 28.01.2022 (*Annexure P-1*) by the Eastern Regional Committee (ERC) of the National Council for Teacher Education (NCTE), which was affirmed by the Appellate Committee of the NCTE in terms of order dated 26.05.2022 (*Annexure P-2*),

2. Learned counsel appearing on behalf of the petitioner states that the petitioner is an on-going institution. It is stated that the impugned order of withdrawal of recognition of the petitioner-institution from the Academic Session 2022-23 has been taken without following the due procedure as contemplated under the NCTE Act, 1993. He further states that if any withdrawal is to take place, the same has to be strictly in accordance with Section 17 of the NCTE Act and Standard Operating Procedure (SOP) applicable to the NCTE. The extract portion of Section 17 of the NCTE Act reads as under:

***“17. CONTRAVENTION OF PROVISIONS OF THE ACT
AND CONSEQUENCES THEREOF***

(1) Where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognised institution has contravened any of the provisions of this Act, or the rules, regulations, orders made or issued thereunder, or any condition subject to which recognition under sub-section (3) of section 14 or permission under sub-section (3) of section 15 was granted, it may withdraw recognition of such recognised institution, for reasons to be recorded in writing:



Provided that no such order against the recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised institution:

Provided further that the order withdrawing or refusing recognition passed by the Regional Committee shall come into force only with effect from the end of the academic session next following the date of communication of such order."

3. He further states that the petitioner had earlier approached this court against the order dated 07.10.2020 which was affirmed by the Appellate Committee on 21.12.2020 and while disposing of the writ petition being W.P.(C) 588/2021 on 08.03.2021, this court specifically directed the respondent No.2-ERC to consider the case of the petitioner afresh in accordance with law. According to him, in paragraph No.9 of the said decision, this court clearly mandated that respondent No.1-NCTE should abide by the SOP issued by respondent No.1-NCTE in that respect. Paragraph 9 of the order dated 08.03.2021 in W.P.(C) 588/2021 is reproduced as under:

"9. Having regard to all the aforesaid factors and to the fact that the matter would have to be reconsidered at the level of the ERC rather than the Appellate Committee, the impugned orders dated 07.10.2020 and 21.12.2020 are quashed, and the matter is remanded back to the ERC for fresh consideration of the petitioner's application, in accordance with law. The respondents will abide by the Standard Operating Practices issued by them in this regard. The process be completed within 10 weeks from today. In the event the petitioner is required to submit any further clarification or document, the respondents will give them an opportunity to do so."

4. Learned counsel for the petitioner therefore, states that if the SOP is perused, the same would clearly indicate that the requirement is to

issue two show cause notices to the petitioner and in the instant case, the impugned decision has been taken again without following the SOP. The relevant Clause b (iv) of the SOP dated 07.05.2019 is reproduced as under:

“ iv. In case proceedings under Section 17 are contemplated then there should be two opportunities in case the first SCN has not elicited any response or a partial response. Again the second SCN should be the final communication in all respects.”

5. This matter was earlier taken up for hearing on 01.03.2023 and the respondents were directed to file their reply. When the matter was taken up on the last date of hearing i.e. 22.03.2023, the learned counsel appearing on behalf of respondent No.1-NCTE, sought more time to file the counter affidavit; however, in view of the limited submission made by the petitioner, this court directed respondent No.1-NCTE to seek instructions as to whether, in the instant case, two show cause notices, as mandated under the SOP, were issued to the petitioner or not.

6. Learned counsel appearing on behalf of respondent No.1-NCTE, on instructions, fairly states that as per the record of the NCTE, after passing of the directions by this court, only one show cause notice was given to the petitioner.

7. In view of the aforesaid instructions and for the reasons already recorded by this court in its order dated 08.03.2021, it is noticed that there is a violation of the SOP conditions. The SOP admittedly, has not been followed and the impugned action for withdrawal of the recognition has been taken in derogation of the same. The Appellate Committee also

did not consider the aforesaid aspect and has rejected the appeal filed by the petitioner.

8. In view of the aforesaid, this court cannot sustain the impugned order dated 28.01.2022 and the order passed by the Appellate Committee dated 26.05.2022 as the same is *dehors* the applicable SOP and also in violation of the order passed by this court dated 08.03.2021 in W.P.(C) 588/2021.

9. Paragraph No.10 of the order dated 08.03.2021 is reproduced as under:-

"10. Until disposal of petitioner's application, pursuant to this order, the respondents will treat the petitioner as a recognised institution. Necessary modifications be made to the respondents' website, and communications be sent to the affiliating university of the petitioner, as well as to the concerned State Government."

10. Accordingly, the impugned orders are set aside.

11. Respondent No.1-NCTE, however, would be at liberty to take appropriate recourse in accordance with Section 17 of the NCTE Act or the applicable SOP.

12. In view of the aforesaid, the instant petition along with pending application stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

MARCH 24, 2023/MJ