



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + **W.P.(C) 11312/2023 and CM APPL. 43975/2023**

Date of Decision: **29.08.2023**

IN THE MATTERS OF:

SHRI MAHIPAL SINGH MAHAVIDYALAYA
THROUGH GRAMEEN VIKAS SAMITI [REGD]
VILLAGE KHUMARIPUR, POST BEHTA, SADHAI,
DISTRICT HARDOI, UTTAR PRADESH
THROUGH ITS MANAGER SH. ANEET KUMAR SHUKLA
..... PETITIONER

Through: Mr. Sanjay Sharawat and Mr.
 Ashok Kumar, Advocates.

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
G- 7, SECTOR-10
DWARKA, NEW DELHI- 110087
THROUGH ITS CHAIRMAN

.....RESPONDENT NO.1

NORTHERN REGIONAL COMMITTEE
NATIONAL COUNCIL FOR TEACHER EDUCATION
G- 7, SECTOR-10
DWARKA, NEW DELHI-110087
THROUGH ITS REGIONAL DIRECTOR

.....RESPONDENT NO.2

Through: Ms. Kartika Sharma and Ms.Vanshita
 Gupta, Advocates.

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner-institution, *vide* the instant writ petition seeks to

challenge the minutes of meeting dated 10.08.2023 (407th meeting) of the Northern Regional Committee (*hereinafter referred to as 'NRC'*), whereby, the NRC has decided to issue a letter to the affiliating body seeking information as to on what basis the concerned institution was treated to be recognized. The NRC has also decided that the petitioner-institution is not a recognized institution for B.Ed course from 23.07.2009.

2. The facts of the case would show that the NRC *vide* order dated 20.10.2003 had granted recognition to the petitioner-institution for B.Ed. course of one year duration from the Academic Session 2003-04 with annual intake of 100 students.

3. It appears that *vide* withdrawal order dated 23.07.2009, the NRC has decided to withdraw the recognition on the ground that the reply to the show cause notice was not found satisfactory.

4. The order of withdrawal dated 23.07.2009 came to be challenged by the petitioner-institution in a statutory appeal under Section 18 of the NCTE Act, 1993 before the Appellate Committee.

5. The Appellate Committee *vide* order dated 11.09.2009 decided to remit the matter back to the NRC with a direction to the petitioner-institution to deposit a sum of Rs.40,000/- with further directions to the NRC to conduct the inspection and to take a final decision.

6. The petitioner-institution appears to have sent a demand draft for a sum of Rs.40,000/- in favour of the Regional Director, NCTE Jaipur *vide* communicate dated 15.12.2009.

7. It is also to be seen that the petitioner-institution thereafter continued to admit the students for the B.Ed. course till 2022.

8. As per the case of the petitioner-institution, various letters were made

to the NRC for issuance of restoration order in terms of the order passed by the Appellate Committee, however, neither any reply to those requests were made nor any formal order of restoration was issued.

9. On 17.01.2022, the petitioner-institution appears to have submitted performance appraisal report with NCTE.

10. For the year 2023, when the name of the petitioner-institution was not shown at the official website to be a recognized institution, then the petitioner-institution on 20.05.2023 again requested the NRC to issue a restoration order.

11. It is thus seen that on 23.06.2023, the NRC required the petitioner-institution to submit its status for running B.Ed. course from the year 2009 onwards.

12. On 11.07.2023, the petitioner-institution appears to have submitted a reply to the letter dated 23.06.2023 explaining all circumstances, as have been noted hereinabove.

13. It is thereafter seen that on 10.08.2023 in terms of the impugned minutes of the meeting, the NRC has taken the impugned decision.

14. Learned counsel appearing on behalf of the respondents by way of filing the counter affidavit supports the action taken by the NRC. She submits that after passing of the order dated 11.09.2009, the NRC did not receive any demand draft of Rs.40,000/- and since the order of the Appellate Committee was a conditional one and in the absence of the conditions being fulfilled, there was no inspection carried out by the NRC.

15. She, therefore, submits that if the conditions of the order passed by the Appellate Committee are not fulfilled, the petitioner-institution is not entitled for any relief. She also submits that from the year 2009 onwards,

there is no formal order of recognition; hence, the petitioner-institution was not entitled to operate the concerned course.

16. I have considered the submissions made by learned counsel appearing on behalf of the parties and perused the record.

17. The relevant portion of order dated 11.09.2009 passed by the Appellate Committee reads as under:-

“AND WHEREAS the Council noted that the university de-affiliated the college for two years and later on it caused inspection on 16.12.07 and accorded permanent affiliation to the institution. When NCTE's inspection team visited the institution in 2006 the institution was not conducting the course and in the mean time of 2006-2007 the institution had complied with all the deficiencies and this was evident from the university's inspection report. In view of the above the Council came to a conclusion that there was enough justification in accepting the appeal, to be remanded to NRC for re-inspection of the institution after receiving a payment of Rs.40000/- from the institution and thereafter pass appropriate orders.

AND WHEREAS after perusal of documents, memorandum of appeal, affidavit, VT Report and after hearing oral arguments advanced during the hearing the Council reached the conclusion that there was adequate ground to accept the appeal and remand back the case to NRC for causing re-inspection of the institution, after receiving a payment of Rs.40000/- from the institution, to ascertain the availability of staff in particular and other facilities as per NCTE norms and thereafter pass appropriate order.”

18. It is, thus, clear that the appeal filed by the petitioner-institution was accepted and the matter was remitted back to the NRC for causing re-inspection of the petitioner-institution after receiving a demand draft for a sum of Rs.40,000/- from the petitioner-institution to ascertain the availability of staff in particular and other facilities as per NCTE norms and thereafter to pass appropriate order.

19. The fact remains that the petitioner-institution did submit the demand draft for a sum of Rs.40,000/- through registered post. Even, in any case, if

the concerned demand draft was not received by the NRC in the year 2011, it was incumbent upon the NRC to have de-recognized the petitioner-institution immediately thereafter.

20. From the year 2011 till 2022, the petitioner-institution was continuously operating with B.Ed. course. If the stand of NRC is accepted, it would mean that the NRC has completely failed to discharge its statutory obligation and the petitioner-institution had been allowed to continue B.Ed course in violation of the order passed by the Appellate Committee on 11.09.2009.

21. It is only in the year 2023, the NRC started with the fresh correspondence with the petitioner-institution.

22. When the petitioner-institution responded to the communication made by the NRC, there is no consideration of the aspects mentioned therein.

23. In any case, the NRC ought to have directed the petitioner-institution in the year 2011 or immediately thereafter, if at all, the NRC was of the view that the faculty and other requirements are not as per the extant regulation, or the amount was not deposited within time. The NRC has maintained complete silence for almost a decade. There doesn't seem to be any justification for not taking immediate measures to disallow the petitioner-institution to take admissions.

24. Since the aforesaid steps have not been taken in the instant case, therefore, this court finds that the decision taken by the NRC suffers with material illegalities.

25. Under the facts of the instant case, this court deems it appropriate to issue following directions:-

- (i) The impugned decision dated 10.08.2023 taken by the NRC is hereby set aside;
 - (ii) The NRC is directed to pass a fresh order of restoration in favour of the petitioner-institution for recognition of the concerned course in accordance with law within a period of 15 days from the date of receipt of copy of the order passed today. The said order shall remain subject to the final outcome of the further decision to be taken by the concerned Regional Committee;
 - (iii) The copy of the order of restoration of the recognition of the petitioner-institution for the concerned course will have to be communicated to all concerned;
 - (iv) The petitioner-institution is directed to deposit a sum of Rs.40,000/-, as was directed earlier by the Appellate Committee, within a period of 15 days with the concerned Regional Committee;
 - (v) The NRC will have to re-inspect the petitioner-institution, as was directed *vide* order dated 11.09.2009 by the Appellate Committee and thereafter, the NRC is empowered to take a final decision in accordance with law.
26. With the aforesaid directions, the instant petition stands disposed of along with the pending application.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 29, 2023

nc/rs