

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17063/2022 & CM APPL. 54076/2022**

Date of Decision: 12.05.2023

IN THE MATTER OF:

SRI RAGAVENDRA COLLEGE OF EDUCATION,
THROUGH ITS CORRESPONDENT/CHAIRMAN,
SY.NO.94/2,95/2, 95/3, NEAR GOVT.HOSPITAL,
KOMARAPALAYAM PANCHAYAT, SATHYAMANGALAM
TALUK,
ERODE DISTRICT, TAMIL NADU-638401 PETITIONER

Through: Ms. Arunima Dwivedi, Ms. Swati
Jhunjhunwala, Ms. Pinky Pawar and
Mr. Aakash Pathak, Advocates

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION,
THROUGH ITS CHAIRPERSON,
G-7, SECTOR-10, DWARKA,
NEAR METRO STATION, DELHI - 110075 RESPONDENT NO.1

SOUTHERN REGIONAL COMMITTEE,
THROUGH ITS REGIONAL DIRECTOR,
NATIONAL COUNCIL FOR TEACHER EDUCATION,
G-7, SECTOR-10, DWARKA, DELHI - 110075
.... RESPONDENT NO.2

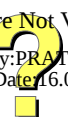
Through: Mr. Rahul Madan, Standing Counsel
for respondent-NCTE.

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 is aggrieved by the order dated 14.03.2022, passed by the Southern Regional Committee (hereinafter referred to as 'SRC') of National Council for Teacher Education (hereinafter referred to as 'NCTE') which is affirmed in appeal *vide* order dated 16.11.2022 by the appellate committee of NCTE.
2. Learned counsel appearing on behalf of the petitioner-institution states that the petitioner-institution is running B.Ed. course of one year duration with annual intake of 100 students from the Academic Session 2006-07. She further submits that in terms of National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (hereinafter referred to as 'Regulations, 2014'), the petitioner-institution had submitted its affidavit of willingness for adherence to the Regulations, 2014 and accordingly on 31.03.2015 a revised recognition order was issued in favour of the petitioner-institution for conducting B.Ed. course of two years duration with annual intake of 100 students from the Academic Session 2015-16. Learned counsel for the petitioner-institution states that on 04.01.2021 a Show Cause Notice was issued by the SRC calling upon the petitioner-institution to explain certain deficiencies. She further submits that the petitioner-institution thereafter on 15.02.2021 submitted the reply to the Show Cause Notice, however, without considering the reply submitted by the petitioner, the SRC in terms of order dated 14.03.2021 decided to withdraw



the recognition of the petitioner-institution under Section 17 of the National Council for Teacher Education Act, 1993 (hereinafter referred to as 'NCTE Act, 1993'). The petitioner-institution thereafter preferred an appeal under Section 18 of the NCTE Act, 1993 which was also dismissed by the impugned order.

3. Learned counsel for the petitioner-institution, besides various other submissions with respect to the rectification of deficiencies, points out that if the impugned order passed in appeal is perused, the same would reflect that the appellate committee has not assigned any reason as to why the latest faculty list is deficient of Regulations, 2014.

4. Learned Standing Counsel appearing on behalf of the respondent-NCTE, however, submits that the reasoning given is sufficient to reject the appeal of the petitioner-institution as the appellate committee has specifically noted that the approved list dated 27.09.2022 is not in accordance with NCTE, Regulations, 2014. According to him, the petitioner-institution does not have sufficient faculty in terms of Regulations, 2014. Therefore, there is no reason to interfere with the decision taken by the SRC and by the appellate committee.

5. I have considered the submissions made by learned counsel for the parties and perused the record.

6. The extract of the order passed by the appellate committee dated 16.11.2022 reads as under:-

"In compliance of Court order dated 11.10.2022 passed by Hon'ble Delhi High Court in W.P.C. No. 14400/2022 titled Sri Ragavendra College of Education V/s NCTE and Am, the instant matter was taken up by the Appeal Committee and the Committee noted that the appellant institution with its appeal memoranda

and submissions made during online appeal hearing on 7th November, 2022 submitted two faculty lists which was approved on 06.10.2021 and 27.09.2022 respectively.

The Committee decided to consider the latest faculty list which was approved on 27.09.2022. After considering the latest faculty which was approved on 27.09.2022, the Committee noted that the institution does not have sufficient faculty in terms of NCTE Regulation, 2014.

The Appeal Committee therefore noted that the deficiencies pointed out by SRC was justified in withdrawing recognition of the appellant institution as they are failed to rectify the deficiencies.

In these circumstances, the Appeal Committee concluded that the instant appeal deserved to be rejected and therefore the impugned order of SRC is confirmed”.

7. It is thus seen that the appellate committee considered the latest list of the faculties which was approved on 27.09.2022 by the concerned University. The order would further show that as per the appellate committee, the latest faculty list which was approved on 27.09.2022 does not show sufficient compliance with Regulations, 2014. It is seen that the order does not reflect as to how the latest list dated 27.09.2022 does not fulfil the requirement of Regulations, 2014. The same has not been specifically dealt with. Unless the appellate committee considers as to how the list of faculties is not in compliance with the Regulations, 2014, the reasoning cannot be said to be sufficient to non-suit the petitioner-institution. It is for this reason this court is not inclined to accept the submission made by learned Standing Counsel for the respondent-NCTE and finds that that the order passed by the appellate committee is without any sufficient reason. The appellate

committee should have noted the applicable requirement and its non compliance by the faculties employed by the petitioner.

8. Learned Standing Counsel for the respondent-NCTE also endeavours to show that if the list is considered in juxtaposition to the Regulations, 2014 he would be able to satisfy this court that the petitioner-institution is not in compliance with the Regulations, 2014.

9. This court is not inclined to accept the aforesaid submission for the reason that the reasoning must be reflected in the order passed by the authority concerned. The same cannot be supplemented by way of supplementary affidavit or otherwise, as has been held by the Hon'ble Supreme Court in the case of *Mohinder Singh Gill v. Chief Election Commr.*,¹.

10. In view of the aforesaid, the impugned order dated 16.11.2022 is set aside and the matter is remitted back to the appellate committee for fresh consideration. Let the same be done after providing sufficient opportunity of hearing to the petitioner-institution. The final order on appeal be passed within a period of six weeks from the date of the receipt of the copy of the order passed today.

11. The petition stands disposed of alongwith pending application in the aforesaid terms.

PURUSHAINDR KUMAR KAURAV, J

MAY 12, 2023

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¹ (1978) 1 SCC 405