



2024:DHC:1252



\$~60

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1359/2024**

**DR. PARSURAM MISHRA INSTITUTE OF ADVANCED
STUDY IN EDUCATION, SAMBALPUR**

.... Petitioner

Through: Mr. Dhananjay Mishra and Mr.
Nikhil Bhatia, Advs.

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION &
ANR.**

..... Respondent

Through Mr. Rahul Madan, Standing
Counsel for NCTE

**CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR**

ORDER (O R A L)
14.02.2024

%

1. The present writ petition seeks quashing and setting aside of order dated 19 October 2022 passed by the Appellate Authority of the National Council for Teacher Education (NCTE), upholding the decision of the Eastern Regional Committee (ERC) of the NCTE to withdraw the recognition granted to the petitioner for conducting the B.Ed. (2 units) and M.Ed. Courses (1 unit)

2. The only ground on which the Appellate Authority has arrived at its conclusion is the alleged failure on the part of the petitioner to

Signature Not Verified

Digitally Signed By: AHT
KUMAR W.P.(C) 1359/2024
Signing Date: 19.02.2024
13:45:14



submits its faculty list in accordance with the provisions of the National Council for Teacher Education Regulations, 2014 (“the 2014 Regulations”, hereinafter).

3. Mr. Dhananjay Mishra seeks to submit that, during the pendency of the appeal before the Appellate Authority, which was filed on 22 May 2022, the petitioner had not only inducted the requisite faculty for running its M.Ed. course, but had also obtained approval from the Utkal University, Bhubaneswar (the affiliating university) for its faculty list. He has drawn my attention to a communication dated 14 October 2022, addressed by the petitioner to the Member Secretary, NCTE, enclosing the said faculty list.

4. Mr. Rahul Madan, learned Counsel for the respondent submits that it is not clear, from the record, whether the aforesaid faculty list was ever made available to the Appellate Authority which was seized of the appeal filed by the petitioner. He submits that, unless the faculty list is made available to the Appellate Authority, it cannot be expected that the Appellate Authority would take it into account.

5. Be that as it may, if the petitioner, in fact, had the requisite faculty in place, and the faculty was approved by the affiliating university, there is no reason why the said faculty list should not be taken into account while considering the petitioner’s appeal.

6. In view of Mr. Madan’s submission that the record does not clearly indicate that the aforesaid faculty list was placed before the Appellate Authority of the NCTE, I am of the opinion that the



interests of justice would be subserved if this writ petition is disposed of with a direction to the Appellate Authority of the NCTE to, in its next sitting, reconsider the petitioner's appeal taking into account the aforesaid faculty lists, which were submitted on 30 September 2022 and 14 October 2022.

7. The petitioner would also be entitled to an opportunity of hearing before the Appellate Authority during its next meeting, so that any uncertainties in the matter could be resolved and further litigation, if possible, be avoided.

8. As a result, the impugned order dated 19 October 2022 is quashed and set aside. The appeal preferred by the petitioner is remanded for reconsideration to the Appellate Authority.

9. The Appellate Authority is directed to take a decision on the petitioner's appeal expeditiously and, if possible, within two weeks of the holding of its next meeting.

10. Needless to say, the rights of the petitioner to seek legal remedies, if it continues to be aggrieved by the order passed by the Appellate Authority, stands reserved.

11. This writ petition is allowed to the aforesaid extent, with no orders as to costs.

CM APPL. 5588/2024

12. This application does not survive for consideration and stands



2024:DHC:1252



disposed of.

C. HARI SHANKAR, J.

FEBRUARY 14, 2024/dsn

Click here to check corrigendum, if any

Signature Not Verified

Digitally Signed By: AHT
KUMAR W.P.(C) 1359/2024
Signing Date: 19.02.2024
13:45:14

Page 4 of 4