



2024:DHC:1003



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 1383/2024****NABAKRUSHNA CHOUDHURY COLLEGE****OF TEACHER EDUCATION ANGUL** PetitionerThrough: Mr. Dhananjay Mishra and Mr.
Nikhil Bhatia, Advs.

versus

NATIONAL COUNCIL FOR TEACHER**EDUCATION AND ANR**

..... Respondent

Through: Mr. Rahul Madan, Standing
Counsel for NCTE**CORAM:****HON'BLE MR. JUSTICE C.HARI SHANKAR****ORDER (ORAL)****08.02.2024**

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W.P.(C) 1383/2024

1. The present writ petition seeks quashing and setting aside of order dated 11 January 2023 passed by the Appellate Committee of the National Council for Teacher Education (NCTE), upholding the decision of Eastern Regional Committee (ERC) of the NCTE to withdraw the recognition granted to the petitioner for conducting the M.Ed. course.

2. The only ground on which the Appellate Committee has arrived at its conclusion is the alleged failure on the part of the petitioner to submit its faculty list in accordance with the provisions of the National Council for Teacher Education Regulations, 2014 ("the 2014

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Regulations”, hereinafter).

3. Mr. Dhananjay Mishra seeks to submit that, during the pendency of the appeal before the Appellate Committee, which was filed on 19 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 27 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 Committee which was seized of the appeal filed by the petitioner. He submits that, unless the faculty list is made available to the Appellate Committee, it cannot be expected that the Appellate Committee would take it into account.

5. Be that as it may, if the petitioner, in fact, had 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 Committee of the NCTE, I am of the opinion, that the interest of justice would be subserved if this writ petition is disposed of with a direction to the Appellate Committee of the NCTE in its next

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sitting to reconsider the petitioner's appeal taking into account the aforesaid faculty list, which constitutes Annexure P-10 to the present writ petition. The petitioner submits that, thereafter, the petitioner has further augmented its faculty and the latest faculty list is also annexed to the present writ petition as Annexure P-13. The petitioner is directed to address a communication to the Appellate Committee within two days, enclosing the aforesaid faculty lists. The petitioner would also be entitled to an opportunity of hearing before the Appellate Committee during its next meeting, so that any uncertainties in the matter could be solved and further litigation, if possible, be avoided.

7. As a result, the impugned order dated 11 January 2023 is quashed and set aside. The appeal preferred by the petitioner is remanded for reconsideration to the Appellate Committee.

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

9. Needless to say, the rights of the petitioner to seek legal remedy, if it continues to be aggrieved by the order passed by the Appellate Committee stands reserved.

10. This writ petition is allowed to the aforesaid extent, with no order as to costs.

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11. This application does not survive for consideration and stands disposed of.

C.HARI SHANKAR, J

FEBRUARY 8, 2024

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Click here to check corrigendum, if any

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