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

+ W.P.(C) 4753/2025

MAA SHARDA EDUCATIONAL INSTITUTE CHHATARPUR
SAMITI & ANR.Petitioners

Through: Mr. Amitesh Kumar, Adv.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.Respondents

Through: Mr. Akhilesh K. Srivastava, Standing
Counsel for NCTE.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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21.05.2025

1. The present petition has been filed impugning the remand order dated 27.11.2020 passed by the Appellate Authority of NCTE i.e. Western Regional Committee (WRC).
2. The grievance articulated by the petitioners in the present petition is that while passing the remand order dated 27.11.2020, the appellate authority did not quash the withdrawal order dated 23.06.2020.
3. Mr. Amitesh Kumar, learned counsel appearing on behalf of the petitioners invites attention of the court to the order dated 08.05.2019 passed in W.P.(C) 4959/2019, to contend that under similar circumstances, the Co-ordinate Bench of this court had set aside the withdrawal order. The said order reads thus:



“1. By order dated 11th March, 2019, the Appellate Committee in the National Council for Teachers Education (hereinafter referred to as “the NCTE”), remanded the case of the petitioner – which was earlier decided against it by withdrawal order, dated 25th September, 2018, passed by the Western Regional Committee (WRC) – for a reconsideration.

2. The only grievance of the petitioner, in this writ petition, is that while doing so, the Appellate Committee did not quash the withdrawal order dated 25th September, 2018, passed by the WRC.

3. It is axiomatic, in law, that quashing of the order in appeal has necessarily to precede remand of the matter to the original authority.

4. In view thereof, I deem it appropriate to dispose of this writ petition, at this stage itself, by clarifying that the order dated 11th March, 2019, passed by the Appellate Committee in the NCTE, would be treated as quashing the withdrawal order dated 25th September, 2018 of the WRC, and, consequently, remanding the matter to the WRC for a reconsideration.

5. It is also clarified that, should the petitioner be aggrieved by the decision to be taken by the WRC, consequent to the remand of the matter to it, by the Appellate Committee, its right to agitate, in accordance with law, would always be reserved.”

4. Mr. Akhilesh K. Srivastava, learned Standing Counsel appearing on behalf of the respondent/NCTE submits that he has no objection in case a similar order is passed in the present petition.

5. In view of the above, it is clarified that the remand order dated 27.11.2020 would also be treated as quashing the withdrawal order dated 23.06.2020 as well.

6. At this stage, Mr. Srivastava submits that a show cause notice was issued by the respondent/NCTE on 11.03.2021 to which reply has not been submitted by the petitioners.

7. Mr. Amitesh Kumar submits that reply to the said show cause notice



has been submitted on 04.04.2021 through speed post, however, a copy of the same will again be furnished to the respondent/NCTE within a period of one week from today.

8. Accordingly, the WRC is directed to pass the order of restoration in favour of the petitioner institution for recognition of the concerned course in accordance with law within a period of two weeks from today. The said order shall remain subject to further decision to be taken by the WRC.

9. A copy of the order of restoration of recognition of the petitioner institution for the concerned course will have to be communicated to all concerned. Once the order of restoration is passed, the petitioner institution would be entitled to participate in counseling and admission process for the Academic Year 2025-26 and subsequent years.

10. The writ petition is disposed of in the aforesaid terms.

VIKAS MAHAJAN, J

MAY 21, 2025

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