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

+ LPA 296/2025, CM APPL. 27467-69/2025

SMT. GOMTI SAMRAK VIGYAN
MAHAVIDYALAYA

...Appellant

Through: Mr. Sanjay Sehrawat, Sr. Adv. with
Mr. Ravi Kant, Mr. Mayank Manish,
Mr. Ayush Anand and Mr. Vineet
Upadhyay, Advocates

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
AND ANR.

...Respondents

Through: Mr. Akhilesh K. Srivastava, Standing
Counsel with Ms. Archana Joshi and
Ms. Sakshi Bansal, Advocates

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Date of Decision: 6th May, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGEMENT

TUSHAR RAO GEDELA, J : (ORAL)

CM APPL. 27467/2025 (Delay in filing the appeal)

1. For the reasons stated in the application, the delay of 166 days in filing the present appeal is condoned.

2. The application stands disposed of.

LPA 296/2025, CM APPL. 27468-69/2025

3. Present letters patent appeal has been filed assailing the judgement dated 21.10.2024, whereby the learned Single Judge has declined to entertain the writ petition filed by the appellant institution bearing W.P.(C)12008/2024 titled *Smt. Gomti Smarak Vigyan Mahavidyalaya vs. National Council for Teacher Education & Anr.*, on the ground of doctrine



of *forum conveniens*.

4. It is the case of the appellant that the appellant herein was granted recognition by respondent no.2/Northern Regional Committee (NRC), NCTE to run the B.Ed. Course. Thereafter, various revised recognition orders were issued to the appellant institution for conducting B.Ed. Course from time to time for different academic sessions. However, the said recognition was withdrawn by the respondent no.2 *vide* its order dated 08.04.2022. Being aggrieved, the appellant institution preferred an online statutory appeal before the Appeal Committee (hereinafter referred to as “AC”) of NCTE under Section 18 of the NCTE Act, 1993. The same was however dismissed by the AC *vide* order dated 11.01.2023, constraining the appellant to approach this Court by filing a writ petition bearing W.P.(C) 3347/2023. After hearing the parties, the learned Single Judge *vide* order dated 27.07.2023 set aside the order dated 11.01.2023 passed by the AC and remanded the matter back to the AC for fresh consideration upon the appellant making a representation alongwith the relevant documents. Subsequently, the Appeal Committee reconsidered the matter and *vide* its order dated 27.02.2024, remanded the matter back to respondent no.2/NRC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also to verify other documents from the concerned competent authority.

5. It is further stated that the said order dated 27.02.2024 was not made available to the appellant and it was only in the month of April, 2024 that the appellant, upon visiting the NCTE website, noticed the said appellate order. Consequent thereto, without delaying anything further, the appellant *vide* its letter dated 19.04.2024 submitted a copy of entire set of documents to the respondent no.2/NRC and requested processing of the same. It is the case of



the appellant that a period of more than 3 months had lapsed since the submission of compliance however, the respondent no.2/NRC did not place the matter of the appellant institution in any of its meetings. It is further stated that the respondent no.2/NRC did not convey the name of the appellant institution to the authorities concerned with counselling and admission process for the academic session 2024-25.

6. In such circumstances and aggrieved by such inaction, the appellant preferred the underlying writ petition seeking the following prayers:-

“(a) direct the Respondent No.2 to issue Order of Restoration of Recognition to the Petitioner Institution for running the B.Ed. course with immediate effects, with its sanctioned intake and all the benefits of being a recognized institution; and

(b) pass consequent direction to Respondent No.2 to update its website thereby reflecting the status of petitioner institution as ‘recognised’ and communicate the said status of the petitioner to its Affiliating University and the State Department of Higher Education enabling the Petitioner to participate in the counselling and admission process forthwith the academic session 2024-25; and / or

(c) pass any such other orders/directions as this Hon’ble Court deems fit and proper in the facts and circumstances of the case.”

7. *Vide* impugned order dated 21.10.2024, learned Single Judge dismissed the underlying writ petition on the ground that the appellant institution, being situated in Uttar Pradesh, is outside the territorial jurisdiction of this Court. While placing reliance on the judgement dated 05.09.2024 passed by a Coordinate Bench of this Court in LPA 894/2024 titled ***Smt. Manjira Devi Ayurveda Medical College and Hospital vs. Uttrakhand University of Ayurveda & Ors.***, and attracting the doctrine of *forum non conveniens* to the facts of the case, it was observed that the Court is not obligated to adjudicate upon the same when the essential, material and integral cause of action lies elsewhere. Aggrieved thereof, the present appeal has been filed by the appellant institution.



8. Mr. Sanjay Sharawat, learned counsel appearing for the appellant submits that the presence of the respondents in Delhi and the occurrence of cause of action at Delhi i.e. within the territorial jurisdiction of this Court, affirms that this Court has the territorial jurisdiction to entertain the present matter. It is contended that under Article 226(1) of the Constitution of India, both the respondents, NRC & NCTE, are statutorily constituted authorities headquartered in Delhi; the impugned orders emanate from these offices; a substantial part of cause of action including the issuance of the impugned orders arose in Delhi; the appellant's case was acted upon by respondent no.2/NRC in Delhi, and the appeal hearings occurred before the respondent no.1/NCTE in Delhi, thereby conferring jurisdiction on this Court.

9. Adverting to the facts of the case, Mr. Sharawat submits that the recognition granted to the appellant institution was withdrawn by the respondent no.2/NRC *vide* withdrawal order dated 08.04.2022, which was affirmed by the Appeal Committee *vide* order dated 11.01.2023, constraining the appellant to file a writ petition bearing W.P.(C) 3347/2023 which was rightly adjudicated upon by this Court in favour of the appellant *vide* order dated 27.07.2023 whereby the learned Single Judge remitted the matter back to the AC of respondent no.1/NCTE for fresh consideration. In compliance thereof, the AC reconsidered the case of the appellant and *vide* order dated 27.02.2024, remanded the matter back to respondent no.2/NRC for fresh consideration. It is the non-compliance of this direction in the order dated 27.02.2024, by the respondent no.2/NRC that constrained the appellant to approach this Court by filing the underlying writ petition. It is submitted that under Article 226(2) of the Constitution of India, a substantial part of the cause of action, i.e. non-consideration of the appellant's representation by respondent no.2 (which is situated at Delhi), despite the directions of



respondent no.2 (which is too situated at Delhi), has occurred at Delhi and jurisdiction of this Court is independently established under Clause (2) of Article 226 of the Constitution of India.

10. Learned counsel for the appellant also brought attention of this Court to orders passed by this Court in various other writ petitions filed previously by the appellant to submit that this Court has on multiple occasions exercised its jurisdiction and entertained the case of the appellant with regard to withdrawal of recognition by respondent no.2. It is thus contended that the learned Single Judge ought to have entertained the underlying writ petition on its merits, rather than dismissing it on the ground of territorial jurisdiction and *forum non conveniens*.

11. *Per contra*, learned counsel for the respondents places reliance on the judgment dated 07.10.2024 passed by a learned Single Judge of this Court in W.P.(C) 14153/2024 titled ***Aryans College of Education vs. NCTE & Anr.***, to submit that the facts in that case were similar to the facts in the present case, and in similar circumstances, the said case was dismissed on the ground of lack of territorial jurisdiction of this Court. It is submitted that mere situs of respondents in Delhi would not be a sole determinative factor in conferring jurisdiction upon this Court.

12. We have heard the arguments of Mr. Sanjay Sehrawat, learned senior counsel for appellant and Mr. Akhilesh K. Srivastava, learned counsel for the respondents and perused the impugned judgment and the records of the case.

13. Since the learned Single Judge had restricted his opinion to the issue whether this Court had any territorial jurisdiction over the subject matter and the controversy at hand, we too are examining the broad conspectus of facts obtaining in the present case in a narrow compass.

14. The law respecting invocation of Article 226 of the constitution of



India, particularly Clause (2) thereof is no more *res integra*. A line of judgments including *Ambica Industries vs. CCE; 2007 6 SCC 769* and *Kusum Ingots Alloys Ltd. vs. Union of India; (2004) 6 SCC 254* rendered by the Hon'ble Supreme Court have delved into the said subject and laid down a law which is still being followed. It is significant to note that the Supreme Court in *Kusum Ingots (supra)* had also postulated the concept of "Forum Conveniens" while examining the provisions of Clause (2) of Article 226 of the Constitution of India. A full bench of this Court in *Sterling Agro Ltd. vs. Union of India; 2011 SCC OnLine Del 1385* as also the Coordinate Benches in the cases of *Riddhima Singh through her Father Shailendra Singh vs. CBSE; LPA 729/2023* decided on 01.11.2023, *Manjira Devi Ayurveda Medical College & Hospital vs. Uttrakhand University of Ayurveda; 2024 SCC OnLine Del 6303* and *Rain CII Carbon Vizag Ltd. & Anr. vs. Union of India Through the Secretary Department of Commerce & Ors.; W.P(C) 2557/2025* decided on 07.03.2025 had applied the doctrine of "*Forum Conveniens*" and relegated the parties to the jurisdictional High Courts. The facts obtaining the present case also impels us to evaluate the same keeping in view the law laid down in the aforesaid catena of judgments.

15. That said, the facts in the present case indicate that the appellant being aggrieved of the withdrawal of recognition granted to it by the respondent no.2/NRC *vide* the order dated 08.04.2022 filed a statutory appeal before the AC of respondent no.1/NCTE. The AC *vide* order dated 11.01.2023 affirmed the withdrawal of the recognition by respondent no.2/NRC. Aggrieved thereof, the appellant filed the writ petition bearing W.P.(C) 3347/2023 before this Court and the learned Single Judge *vide* the order dated 27.07.2023 remitted the matter back to the AC for *de novo* consideration. It



appears that in compliance thereof, the AC reconsidered the matter and *vide* order dated 27.02.2024 remanded the same to respondent no.2/NRC for fresh consideration. The appellant claims to have not received the order dated 27.02.2024 of the AC and it was only upon visiting the official website of respondent no.1/NCTE that the order of the AC was noticed. Consequently, the appellant submitted the entire set of documents to respondent no.2/NRC *vide* the letter dated 19.04.2024 seeking grant/re-grant of recognition as per law. It is further claimed by the appellant that despite passage of more than three months of the submission of the compliances, respondent no.2/NRC did not place the matter of the appellant in any of its meetings for consideration of its request. Furthermore, the appellant claims to be aggrieved of the inaction of respondent no.2/NRC in conveying its name to the authority concerned for the purpose of counseling and admission process for the Academic Session 2024-25. It was in these circumstances that the appellant preferred the underlying writ petition before this Court culminating in the impugned judgment.

16. On a perusal of the impugned judgment, it appears that the learned Single Judge was of the considered opinion that though the order was passed by the AC within the territorial jurisdiction of this Court, on the anvil of the doctrine of “*Forum Conveniens*” and that the material, integral and essential part of cause of action had not arisen within the local limits of the territorial jurisdiction of this Court, did not entertain the underlying writ petition and relegated the appellant to its remedies before the jurisdictional High Court. While passing the impugned judgment, the learned Single Judge had relied upon the judgments in the case of *Manjira Devi (supra)*; **2024 SCC OnLine Del 6303**, *Aryans College of Education (supra)*, *Michael Builders and Developers Pvt. Ltd. vs. National Medical commission & Ors.*; W.P.(C)



12049/2024 decided on 18.09.2024 etc. to conclude that this Court would not have the requisite territorial jurisdiction to entertain the underlying writ petition.

17. Upon a minute examination and scrutiny of the facts and the records of the present case, it appears that the provisions of Clause (2) of Article 226 of the Constitution may enure to the benefit of the appellant.

18. Though the facts obtaining in *Aryans College of Education (supra)* seem to be similarly placed, yet there is a primordial distinction between the facts in that case and those which arise in the present case. In *Aryans College of Education (supra)*, the petitioner therein had challenged the withdrawal of recognition both by the Northern Regional Committee (respondent no.2 therein) dated 22.09.2023 and by the AC of NCTE (respondent no.1 therein) dated 01.04.2024 before this Court. In the said writ petition, the learned Single Judge was of the opinion that this Court did not have the requisite jurisdiction after following the judgment of the Hon'ble Supreme Court in the case of *Bloom Dekor Ltd. vs. Subhash Himatlal Desai; (1994) 6 SCC 322, Om Prakash Srivastava vs. Union of India; (2006) 6 SCC 207, Kusum Ingots (supra)* and the doctrine of "Forum Conveniens" as enunciated by the Hon'ble Supreme Court in *Kusum Ingots (supra)* and followed by the full bench of this Court in *Sterling Agro (supra)*. The learned Single Judge was also of the considered opinion that merely because the NRC and Appellate Authority are situated within the territorial jurisdiction of this Court, this Court would not have better jurisdiction as the material, integral and essential part of cause of action lay beyond the State of Delhi i.e. beyond the territorial jurisdiction of this Court. The learned Single Judge had also observed, though as a note of caution, that in case such writ petitions are entertained by this Court without examining



as to whether the material, integral and essential part of cause of action has arisen within the territorial jurisdiction of this Court or not, all matters which ordinarily ought to be entertained by the jurisdictional High Court would necessarily be filed only in this Court on the premise that the official respondent/authorities are situated within the local limits of the State of Delhi. Predicated thereon, the learned Single Judge had dismissed the said writ petition in *Aryans College of Education (supra)*.

19. However, in the present case, the appellant in similar circumstances had approached this Court which was entertained by the learned Single Judge and *vide* the order dated 27.07.2023 had remanded the matter back to the AC for fresh reconsideration upon the appellant submitting a representation. Upon such consideration, the AC found it appropriate to further remit the matter back to respondent no.2/NRC for *de novo* consideration of the representation and the documents appended thereto. It is this order of the AC which is stated to have been not furnished to the appellant and the non compliance thereof, that the appellant being aggrieved, filed the underlying writ petition. The appellant also gathered the knowledge of the order dated 27.02.2024 of the AC only upon visiting the official website of NCTE and realized the non compliance thereof. Appellant claims to have furnished the requisite documents once again to respondent no.2/NRC for consideration of its grant/re-grant of the recognition which too remained unconsidered and pending for more than three months. It is this inaction and non consideration of the documents and the representation by the NRC so directed by the AC, that the appellant claims a cause of action, rather, a material, essential and requisite cause of action having arisen in its favour within the territorial jurisdiction of Delhi.

20. When the aforesaid distinctive facts arising in the present appeal are



taken into consideration, it is clear that the act of non compliance of statutory action by the respondent no.2/NRC, coupled with the exercise of statutory provisions of the NCTE Act by the AC of respondent no.1/NCTE at Delhi in compliance of the order passed by the learned Single Judge dated 27.07.2023 in W.P.(C) 3347/2023 pending in this Court, would give rise to the material, integral and essential part of cause of action within the territorial jurisdiction of this Court. For the same reason, the cause of action as noted herein above would also fall within the ambit of Clause (2) of Article 226 of the Constitution of India. Predicated upon the aforesaid, the doctrine of “*Forum Conveniens*” also appears to be tilted in favour of the appellant. Thus, it appears that this Court would have the requisite territorial jurisdiction to entertain and adjudicate the underlying writ petition.

21. In *Manjira Devi (supra)*, the Coordinate Bench of this Court had considered a similar issue and based on the ratio laid down by the Hon’ble Supreme Court in the cases of *Kusum Ingots (supra)*, *Sterling Agro Ltd. vs. Union of India; 2011 SCC OnLine Del 1385* and *Ridhima Singh (supra)* passed by the Hon’ble Supreme Court and this Court respectively and applying the doctrine of “*Forum Conveniens*” had dismissed the appeal and granted liberty to the appellant therein to approach the jurisdictional High Court. In contradistinction to the facts arising in this case, in *Manjira Devi (supra)*, the appellant had submitted representations to the Secretary, Ayush and Ayush Education in the State of Uttarakhand and also to the Registrar, Uttarakhand Ayurveda University, Uttarakhand and without invoking the jurisdiction of the Uttarakhand High Court for purported action/inaction by the aforesaid authorities who are situated within the territory of the State of Uttarakhand, had filed the writ petition before this Court. The appellant therein arrayed respondent no.2, respondent no.3 and respondent no.4 who



were located in Delhi as parties to the writ petition with a prayer for a direction against respondent no.4 (Board of Ayurveda of National Commission for Indian System of Medicine at Delhi) to allow the students of the batch of the year 2022 to appear for the elective examination of the first profession. It was in those circumstances that this Court had passed the judgment in *Manjira Devi (supra)*. It is clear from the distinction in the facts obtaining in the present case in comparison to those which arose in *Manjira Devi (supra)*, that the ratio laid down therein will not be applicable to the present case.

22. In that view of the matter, without touching upon the merits of the underlying writ petition, we deem it appropriate to remit the matter to the learned Single Judge for reconsideration on merits of the underlying writ petition. The appeal, in that restricted sense, is allowed with no order as to costs.

23. It is made clear that the observations made above do not tantamount to any expression on the merits of the case. All rights and contentions of the parties are kept open.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 6, 2025/kct/rl