

# Sitapur Shiksha Sansthan vs National Council For Teacher Education ... on 18 September, 2023

**Author: Purushaindra Kumar Kaurav**

**Bench: Purushaindra Kumar Kaurav**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 12235/2023

SITAPUR SHIKSHA SANSTHAN

Through: Mr. Sanjay Sharawat  
Kumar, Advocates

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION &

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

% 18.09.2023

1. The present petition has been filed under Article 226 of the Constitution of India seeking following reliefs:-

[a] Hold and declare that by virtue of remand order dated 19.10.2022 passed by the Respondent No.1, the withdrawal order dated 04.04.2022 passed by the Respondent No.2 stood impliedly annulled and quashed and that the Petitioner continues to be a recognized institution for all purposes since 19.10.2022 and that the Petitioner is entitled to admit students for all academic sessions w.e.f. academic session 2023-24 onwards; and [b] Issue a writ of mandamus and direct the Respondent No.2 to issue an order of restoration of recognition of the Petitioner for B.Ed course with 100 seats w.e.f. academic session 2023-24; and [c] Issue a writ of mandamus and direct the Respondent No.2 to reflect the status of the Petitioner as a recognized institution on its official website and intimate the said status to its affiliating university (University of Lucknow) and to the centralized counselling university (Bundelkhand University, Jhansi); and

2. The facts of the present case would show that after remand of the matter by the appellate authority, the matter remains sub judice before the This is a digitally signed order.

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QR code shown above. The Order is downloaded from the DHC Server on 19/09/2023 at 23:07:22 concerned Northern Regional Committee (hereinafter referred as NRC). The NRC appears to have issued certain notices to the petitioner and the petitioner has duly replied to those notices. Eventually, a final decision will have to be taken by the said Regional Committee on the basis of material available before it.

3. However, the fact remains that counselling for the Academic Session 2023-24 has already been started and till date even after remand of the matter, there is no fresh order of withdrawal of the recognition. Once a remand had taken place with a direction to re-examine the case of the petitioner and if there is no subsequent order of refusal, the petitioner- institution is entitled to operate its course, unless there are contrary directions. In the instant case, there are no such contrary directions.

4. Learned counsel for the petitioner pointed out that almost under the similar circumstances, this court in the petition being W.P.(C) 11312/2023 on 29.08.2023 passed various directions directing for restoration of the order of recognition, subject to further orders to be passed by the concerned regional committee.

5. Issue notice.

6. Learned standing counsel accepts notice on behalf of the respondents. He submits that the decision after remand will have to be taken by the concerned Regional Committee, however, as of now, he cannot make any statement as to within how much period, the final decision would be taken.

7. Having considered the submissions made by learned counsel for the parties, this court finds it appropriate to dispose of the instant petition with following directions:-

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(i) The NRC is directed to pass an order of restoration in favour of the petitioner-institution for recognition of the concerned course in accordance with law within a period of seven days from the date of receipt of copy of the order passed today. The said order shall remain subject to the further decision to be taken by the concerned Regional Committee;

(ii) The copy of the order of restoration of the recognition of the petitioner-institution for the concerned course will have to be communicated to all concerned;

(iii) Once an order of restoration is passed, the petitioner- institution would be entitled to participate in the counselling etc.

8. With the aforesaid directions, the instant petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J SEPTEMBER 18, 2023 p'ma\rs This is a digitally signed order.

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