

Savita Devi Mahavidyalaya & Anr vs Sh Santosh Kumar Sarangi Chairperson ... on 7 October, 2021

Author: Najmi Waziri

Bench: Najmi Waziri

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 747/2021

SAVITA DEVI MAHAVIDYALAYA & ANR.

Through: Mr. Amitesh Kumar,
Kumari and Ms. Bini
Adv.

versus

SH SANTOSH KUMAR SARANGI CHAIRPERSON NATIONAL
COUNCIL FOR TEACHER EDUCATION & ANR. Respondent

Through: Mr. Jai Sahai Endlaw and Mr.
Subhoday Banerjee, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI
ORDER

% 07.10.2021 The hearing has been conducted through video conferencing. CM APPL. 35535/2021 (exemption)

1. Allowed, subject to all just exceptions.

2. The application stands disposed-off. CONT.CAS(C) 747/2021

3. In term of this court's direction dated 22.09.2021 in W.P.(C) 10708/2021, compliance had to be made in terms of para 6 thereof. Full compliance has not been done. The said order reads inter alia as under:

"2. The petitioner-institution was recognised by the Northern Regional Committee ["NRC"] of the National Council for Teacher Education ["NCTE"] for establishment of B.Ed. course on 16.09.2004. On 07.12.2020, the NRC took a decision to withdraw the recognition. The operative portion of the decision of the NRC reads as follows:-

"Hence, NRC decided to withdraw the recognition of B.Ed. & its Additional Intake and M.Ed. courses under Section 17 of the NCTE Act, 1993 from the end of the academic session next following the date of communication of withdrawal order i.e. 2021-2022. A detailed withdrawal order be issued to the institution for respective

courses. "

3. The petitioner has already approached the Appellate Committee of the NCTE against the aforesaid decision under Section 18 of the NCTE Act, 1993 ["the Act"]. However, the grievance with which it has come to this Court is that it is not being permitted to participate in the counselling or admit students for the session 2021-22.

4. Ms. Binisa Mohanty, learned counsel for the petitioners, points out that under the second proviso to Section 17(1) of the Act, the order of withdrawal would take effect only from the end of the academic session next following the date of communication of the order. She submits that no formal withdrawal order has yet been communicated to the petitioner, although the affiliating University has been informed of the withdrawal order dated 03.03.2021.

5. Be that as it may, it is evident that the decision of the NRC was made only at its meeting on 07.12.2020. As such, Mr. Rana does not dispute that the order would take effect only from the end of the academic session 2021-22.

6. The writ petition is, therefore, disposed of with the clarification that the impugned order of the NRC will not affect the entitlement of the petitioner to participate in counselling and admit students for the year 2021-22. The NCTE is directed to reflect the status of the petitioner as a recognised institution on its website and to communicate the same to the petitioner's affiliating University and the concerned State Government, within one week from today.

7. The Appellate Committee of the NCTE is also requested to dispose of the petitioner's appeal as expeditiously as possible and practicable.

8. The petition alongwith pending application stands disposed of in these terms."

4. The petitioner's name was to be shown in the list of recognized institutes. The website does not do so reflect, furthermore, a corollary communication to the affiliating University and the concerned State Government ought to have been sent. This too has not been done. Let the compliance of the same be done within 2 days, lest the petitioners suffer irreparably apropos admissions for the Academic Year 2021-22 which are currently underway.

5. The court is of the view that ex facie the respondents are in contempt of court.

6. Issue notice.

7. The learned counsel named above accepts notice on behalf of the respondents. He seeks 2 weeks' time to obtain instructions albeit he states that the respondents have preferred an LPA and it is likely to be listed by Monday i.e., 11.10.2021.

8. List on 12.10.2021.

9. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J OCTOBER 7, 2021/AB