

Arihant College & Anr vs National Council For Teacher Education ... on 30 July, 2021

Author: Prateek Jalan

Bench: Prateek Jalan

\$~89 (2021 Cause List)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7260/2021

ARIHANT COLLEGE & ANR.

..... Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti

Kumari, Mr. Binisa Mohanty,

Advocates.

versus

NATIONAL COUNCIL FOR TEACHER

EDUCATION & ANR.

..... Respondents

Through: Ms. Kartika Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 30.07.2021 The proceedings in the matter have been conducted through video conferencing.

CM APPLs. 22900-22901/2021(for exemptions) Exemptions allowed, subject to all just exceptions. These applications stand disposed of.

W.P.(C) 7260/2021

1. Issue notice. Ms. Kartika Sharma, learned counsel, accepts notice on behalf of the respondents-National Council for Teacher Education ["NCTE"]. The petition is taken up for disposal with the consent of learned counsel for the parties.

2. The petitioners were granted recognition by the Western Regional Committee ["WRC"] of the NCTE for the establishment of an M.Ed.

course on 15.03.2008. Pursuant to the notification of the NCTE Regulations, 2014, a revised recognition order was issued on 31.05.2015. However, by an order dated 10.10.2019, the WRC withdrew the recognition granted to the petitioners. The petitioners challenged the aforesaid order by way of an appeal under Section 18 of the NCTE Act, 1993. The Appellate Committee of the NCTE, by an order dated 23.12.2019, remanded the matter to the WRC. The matter remains pending with

the WRC since then.

3. As the Appellate Committee had not specifically quashed the impugned withdrawal order dated 10.10.2019, the petitioners approached this Court by way of W.P.(C) 6526/2020 for quashing of the order, as well as for permission to participate in counselling and admit students in the academic session 2020-21. By an order dated 16.09.2020, the petitioners were granted the aforesaid relief.

4. As the matter is still pending with the WRC, the petitioners have approached this Court once again for a direction upon the respondents to issue an order of restoration of recognition and to continue the status of the petitioner as a recognised institution so that it may participate in the counselling process and admit students for the year 2021-22.

5. It has been settled by this Court in order dated 08.05.2019 in W.P.(C) 4959/2021 [HICT Shiksha Mahavidyalaya vs. National Council for Teacher Education & Anr.] that, upon remand of a matter to the original authority by the appellate authority, the impugned order of the original authority stands quashed. This order has been followed in numerous orders of this Court. In the present case, in fact, the withdrawal order of the WRC has already been specifically quashed by an order of this Court dated 16.09.2020. Consequently, the status of the petitioner as a recognised institution stands restored for all purposes.

6. The petition is, therefore, allowed and the NCTE is directed to issue an order of restoration of recognition. The petitioner will be permitted to participate in counselling and admit students for the year 2021-22 and also for subsequent years, until and unless a fresh withdrawal order is passed against it. The status of the petitioner as a recognised institution will also be reflected on the respondent-NCTE's website, and will be communicated by the NCTE to the petitioner's affiliating university as well as to the concerned departments of the State Government. The respondents are directed to comply with these directions within one week.

7. As several petitions for substantially similar relief are being filed in this Court, it is further directed that, whenever a withdrawal order is challenged by an institution (either by way of appeal or by way of writ proceedings) and the matter is remanded to the concerned regional committee, the regional committee will issue an order of restoration of recognition in favour of the institution, pending reconsideration of the withdrawal order. Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned regional committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed. The order of restoration of recognition should be issued within two weeks of the order of remand being communicated to the regional committee, or upon request of the concerned institution. This streamlined procedure would obviate the multiplicity of litigation which is being witnessed at present. Neither the concerned institutions nor the NCTE should be put to the burden of filing or defending proceedings before the Court for this purpose.

8. The respondents are directed to place this order before the Chairperson and the Member Secretary of the NCTE within one week. They are directed to ensure that necessary directions are

issued to the regional committees within two weeks thereafter, so that the procedure outlined above is implemented.

9. The writ petition is disposed of with these directions.

PRATEEK JALAN, J JULY 30, 2021 'vp'