

# Cooch Behar Teacher Training College vs National Council For Teacher Education ... on 18 August, 2020

**Author: Jayant Nath**

**Bench: Jayant Nath**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 5327/2020

COOCH BEHAR TEACHER TRAINING COLLEGE..... Petitioner  
Through Mr.Mayank Manish and Mr.Ravi  
Kant, Advs.

versus

NATIONAL COUNCIL FOR TEACHER  
EDUCATION AND ANR ..... Respondents  
Through Ms.Arunima Dwivedi, Standing  
Counsel for NCTE.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 18.08.2020 This hearing is conducted through Video-Conferencing. CM No. 19219/2020 (exemption) The application is allowed subject to all just exceptions. W.P.(C) 5327/2020

1. By this writ petition, the petitioner seeks to challenge the order of the Appellate Authority dated 17.02.2020 by which the withdrawal order passed by the ERC was upheld.

2. Learned counsel for the petitioner submits that the only issue is the inability of the petitioner to appoint a Principal. It is pleaded that the Principal had resigned and the concerned University is not appointing the necessary Board for selection of the Principal. Unfortunately, the University has not been impleaded as a party in this writ petition.

3. Learned counsel for the petitioner submits that he will take appropriate steps in this regard.

4. Issue notice.

5. Learned counsel for respondent No. 1 accepts notice.

6. Counter-affidavit be filed within three weeks.

7. List on 20.10.2020.

CM No. 19218/2020 (stay)

1. Issue notice.

2. Learned counsel for respondent No. 1 accepts notice.

3. Learned counsel for the petitioner submits that as per the withdrawal order passed by the ERC for the B.Ed. course, the withdrawal is with effect from the end of the academic session 2020-21 in view of Section 17(1) of the NCTE Act, 1993. Hence, he submits that the petitioner should be allowed to accept admission for this academic session 2020-21.

4. Section 17(1) of the NCTE Act, 1993 reads as follows:-

'17. Contravention of provisions of the Act and consequences thereof.-

(1) Where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognised institution has contravened any of the provisions of this Act, or the rules, regulations, orders made or issued thereunder, or any condition subject to which recognition under sub-section (3) of section 14 or permission under sub-section (3) of section 15 was granted, it may withdraw recognition of such recognised institution, for reasons to be recorded in writing:

Provided that no such order against the recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised institution:

Provided further that the order withdrawing or refusing recognition passed by the Regional Committee shall come into force only with effect from the end of the academic session next following the date of communication of such order.

xxx"

8. In my opinion, since the withdrawal order is made with effect from the end of the academic session 2020-21, the petitioner cannot be stopped from admitting students for the present academic year.

9. Learned counsel for the respondent however submits that in case this court passes an interim order, the students who are admitted in the present academic year will not be able to complete the course in case the recognition is withdrawn from the end of the academic session of 2020-21.

10. In my opinion, prima facie, no such proposition flows from Section 17(1) of the NCTE Act.

11. Subject to further orders, let the petitioner take part in the counselling for the academic session 2020-21. The respondent will take appropriate consequential steps in this regard forthwith.

12. List on 20.10.2020.

JAYANT NATH, J AUGUST 18, 2020 rb