

# Shri Vijay Swaroop Mahila College Of ... vs National Council For Teacher Education ... on 4 March, 2021

**Author: Prateek Jalan**

**Bench: Prateek Jalan**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2900/2021

SHRI VIJAY SWAROOP MAHILA  
COLLEGE OF EDUCATION

..... Petitioner

Through: Mr. Mayank Manish and Mr. Ravi  
Kant, Advocates.

versus

NATIONAL COUNCIL FOR  
TEACHER EDUCATION AND ANR

..... Respondents

Through: Mr. Jai Sahai Endlaw and Mr.  
Ashutosah Rana, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 04.03.2021 The proceedings in the matter have been conducted through hybrid mode (physical and virtual hearing).

W.P.(C) 2900/2021 & CM APPL. 8729/2021 (for stay)

1. Issue notice. Mr. Jai Sahai Endlaw, learned counsel, accepts notice on behalf of the respondents. The petition is taken up for disposal with the consent of the learned counsel for the parties.

2. The petitioner was recognised for the purpose of conducting the B.Ed. course, in the year 2005. After the National Council for Teacher Education Regulations, 2014 ["2014 Regulations"] came into force, the Northern Regional Committee ["NRC"] of the National Council for Teacher Education ["NCTE"] issued a revised recognition order dated 18.05.2015, and the petitioner was required to comply with the 2014 Regulations. A show-cause notice was issued by the NRC on 26.03.2018, alleging non-compliance of certain requirements of the 2014 Regulations. The petitioner claims to have submitted a reply to the show-cause notice dated 13.04.2018, alongwith various documents, to the respondents. Pursuant to a meeting of NRC on 16-17.01.2020, the NRC decided to withdraw the petitioner's recognition, and a formal withdrawal order was issued to the petitioner on 09.07.2020.

3. The petitioner challenged the aforesaid order by way of an appeal under Section 17 of the National Council for Teacher Education Act, 1993. During the pendency of the appeal, the petitioner was permitted, by an order of this Court dated 27.08.2020 in W.P.(C) 5689/2020, to participate in the counselling for the academic session 2020-21. The petitioner's appeal against the withdrawal order ultimately came to be rejected by the Appellate Committee on 19.11.2020.

4. The Appellate Committee recorded that one of the issues before it was whether the petitioner had submitted a reply to the show cause notice issued to it. In this connection, the Appellate Committee recorded as follows:-

"AND WHEREAS Appeal Committee could not locate on the regulatory file any reply to the S.C.N. wherein appellant had submitted compliance of the revised recognition order and the first Show Cause Notice dated 26/03/2018. The appellant institution was required to submit to the Regional Committee evidence of having created additional facilities that include

(a) additional built up area (b) additional infrastructure and

(c) additional faculty as the tenure B.Ed. programme was enhanced from one year to two years.

AND WHEREAS appellant institution has failed to fulfil and report to the Regional Committee the compliance of the terms and conditions of the revised recognition order dated 18/05/2015. Appellant institution has further failed to submit reply to S.C.N. dated 26/03/2018. Appellant also did not submit a complete compliance in response to the 2nd S.C.N. dated 19/06/2020 and the letter dated 13/07/2019 submitted by appellant to the Regional Committee at best can be viewed as acknowledgement of the 2nd S.C.N. dated 19/06/2019.

AND WHEREAS Appeal Committee considers that onus lies on the appellant institution to have reported compliance as per terms and conditions of the revised recognition order and submitted evidence of having faculty approved by affiliating body the academic session 2015-16 and thereafter. As appellant has failed to respond to the compliance of revised recognition order and has also not submitted reply to the SCNs, Appeal Committee decided to confirm the impugned order of withdrawal dated 09/07/2020.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and online submission made by appellant, Appeal Committee concluded to confirm the impugned order of withdrawal dated 09/07/2020."

5. Mr. Mayank Manish, learned counsel for the petitioner, points out that the petitioner had placed before the Appellate Committee a reply to the show cause notice dated 13.04.2018, alongwith the speed post receipt. He also submits that the documents were additionally sent by e-mail by the petitioner to the respondents. The documents in this connection have been annexed with the writ petition.

6. Mr. Manish limits the relief sought in these proceedings to an order of remand to the Appellate Committee, with a direction to consider these documents and come to a fresh conclusion after such consideration.

7. I am of the view that the limited relief sought by the petitioner is merited in the facts and circumstances of the case. It is evident from the impugned order of the Appellate Committee, extracted above, that the conclusion that the petitioner had not responded to the show cause notice is based only upon a perusal of the regulatory file. The Appellate Committee has not considered the documents placed by the petitioner in this regard. The determination of the question of whether the petitioner had submitted a reply to the show cause notice cannot, in my view, be determined only upon the basis of the state of records as maintained by the respondents. It may additionally be noted that during the time in question, the office of the NRC shifted from Jaipur to Delhi, and it is not inconceivable that there may have been some lapse in the record keeping during this period. The Appellate Committee is expected not to rely solely upon the record as maintained by the relevant Regional Committee, but also consider the materials placed on record by the institutions while coming to its conclusions.

8. In view of the aforesaid, the impugned order of the Appellate Committee dated 19.11.2020 is set aside, and the matter is remanded to the Appellate Committee for a fresh consideration of the petitioner's appeal, keeping in mind the observations made in this order. The documents filed by the petitioner in the present writ petition will be taken into account by the Appellate Committee. It is expected that the Appellate Committee will dispose of the appeal in terms of this order, within a period of three months from today.

9. Mr. Manish submits that the withdrawal order dated 09.07.2020 of the NRC be stayed, pending the disposal of the appeal in terms of this order. Mr. Endlaw confirms that the withdrawal order will become effective only after the end of the academic year 2021-22. In view of Mr. Endlaw's submission, it is not necessary to stay the impugned order.

10. The appeal stands allowed in these terms. The pending application also stands disposed of.

PRATEEK JALAN, J MARCH 4, 2021 vp