

Deep International Tt School vs National Council For Teacher Education ... on 2 March, 2020

Author: Rajiv Shakdher

Bench: Rajiv Shakdher

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2336/2020

DEEP INTERNATIONAL TT SCHOOL

..... Petitioner

Through: Mr. Sanjay Sharawat with
Mr. Divyank Rana, Mr. Abhishek
Dhankar and Mr. Ashok Kumar,
Advocates.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND

ORS.

..... Respondents

Through: Ms. Arunima Dwivedi, Standing
counsel with Ms. Niharika Rai and
Ms. Ankita, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER
ORDER

% 02.03.2020

1. Issue notice. Ms. Dwivedi accepts notice on behalf of respondents/NCTE.
2. With the consent of counsel for parties, the writ petition is taken up for final disposal at this juncture itself due to a limited grievance being raised by the petitioner and the directions I propose to pass.
3. The record shows that the petitioner had applied for grant of recognition qua M.Ed. course concerning academic session 2011- 2012.

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4. This application was preferred by the petitioner on 01.10.2010. The application preferred by the petitioner, was however, rejected by the Northern Regional Committee (in short 'NRC') on account of ban imposed by the State Government of Rajasthan on setting up new teacher training institutions.
5. The petitioner assailed the decision of the NRC via a writ petition, albeit, before the High Court of Rajasthan.

6. The High Court of Rajasthan vide order dated 30.10.2015, passed in W.P.(C) No. 15976/2015, directed the NRC to reconsider the application of the petitioner.

7. Accordingly, the NRC considered the petitioner's application and issued Letter of Intent (in short "LOI") on 13.05.2016.

8. It is the petitioner's case that while the application was pending consideration with the NRC, the NCTE, vide letter dated 18.12.2018 directed the NRC to apply the provisions of National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (in short '2014 Regulations').

9. The NRC, having regard to NCTE's letter dated 18.12.2018, considered the petitioner's application and, thereafter, issued a show cause notice (in short "SCN") vide decision taken in 299th meeting held between 01.04.2019 to 05.04.2019 to the petitioner.

10. Via the said notice, the petitioner was called to show cause as to why its application should not be rejected on account of failure to produce the following:

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(i) NOC of the affiliating body?

(ii) Notarized copy of the change of land uses certificate issued by the competent authority.

11. The record shows that the petitioner filed a reply to the aforementioned SCN which was received in the NRC's office on 15.04.2019.

12. Apparently, the reply preferred by the petitioner along with other institutions which were similarly circumstanced was considered by the NRC in its 310th meeting held between 20.11.2019 and 22.11.2019.

13. A perusal of the minutes of this meeting which are marked as annexure P-3 and are appended at pages 25 to 31 of the paper book shows that a common decision was taken vis-a-vis matters which were listed at Serial Nos.49 to 77.

13.1 A close perusal of the minutes would show that there was no reference to specific deficiencies, if any, pertaining to the institutions whose cases were dealt with by the NRC.

14. However, insofar as the petitioner is concerned, NRC issued a formal refusal order dated 4.2.2020, wherein, after recording the backdrop of the case, the following deficiencies were pointed out in paragraph 4 of the said order:

"....Further, a number of deficiencies as mentioned below were also noted in this case and hence permission cannot be granted by NRC for starting the M.Ed. course

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1. The institution has not submitted certified land documents duly attested by sub-registrar with original stamp.
2. A copy of Mutation Certificate issued by the competent authority is not submitted.
3. Department of the Government certifying that the society is not for profit/Charitable Trust/Society/Company not submitted.
4. Building safety certificate issued by the competent authority not submitted.
5. Fire safety certificate issued by the competent authority not submitted.
6. Site plan showing the location of the building as per the land & revenue records of the concerned authority not submitted."

14.1 A perusal of the aforesaid extract would show that the deficiencies pointed out by the NRC in its refusal order dated 4.2.2020 were beyond what was put to the petitioner via the SCN.

15. Mr. Sharawat, who appears on behalf of the petitioner, says that this flaw in NRC's refusal order dated 4.2.2020 alone is sufficient to require reexamination of the matter by the NRC.

16. Ms. Dwivedi, who appears on behalf of the respondents, cannot but accept that the refusal order dated 4.2.2020, passed by the NRC , has adverted to deficiencies which did not form part of the SCN.

17. I may also indicate that it is Mr. Sharawat's contention that had the NRC put forth the deficiencies to the petitioner which are contained in its refusal order dated 4.2.2020, the W.P.(C) 2336/2020 page 4 of 6 petitioner would have been in a position to place before it the correct facts and the judgments of this Court which had bearing on the matter including the judgment dated 18.10.2019, passed in a batch of matters, the lead petition being W.P.(C) No.8820/2019, titled Sir Chhotu Ram Jat College of Education vs. National Council for Teacher Education & Anr.

18. Having heard the learned counsel for the parties and perused the record, I am of the view that the submissions advanced on behalf of the petitioner that the refusal order dated 4.2.2020, passed by the NRC, is not sustainable in law and that the communication dated 18.12.2018 issued by NCTE cannot sustain in view of the judgment of this Court dated 11.12.2019, passed in W.P.(C) No.13089/2019, titled R.C. Education Society and Anr. vs. NCTE and Anr.

19. The NRC has, undoubtedly, in passing the refusal order dated 4.2.2020 gone beyond the SCN and thereby infringed the principles of natural justice. Insofar as the communication dated 18.12.2018 is concerned, it stands quashed by judgment in R.C. Education Society case.

20. Thus, having regard to the foregoing, the writ petition is disposed of with the following directions:

(i) The refusal order dated 4.2.2020 passed by the NRC is set aside.

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(ii) Likewise, the communication dated 18.12.2018 passed by NCTE is also set aside.

(iii) The matter is remanded to the concerned regional committee i.e. Western Regional Committee (WRC) for reexamining the matter.

(iv) The concerned regional committee i.e. NRC/WRC, while reexamining the matter, will, take into account the judgments of this Court passed in Sir Chhotu Ram case as well as R.C. Education Society.

21. Needless to add, the WRC will complete the aforesaid exercise with due expedition if possible before 03.03.2020 i.e the cut off date fixed for academic session 2020-2021.

22. Dasti under signatures of the Court Master.

MARCH 02, 2020
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RAJIV SHAKDHER, J

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