

# Shri Shakuntal Secondary Teachers ... vs Dr Vineet Joshi Ias Chairperson ... on 4 August, 2021

**Author: Najmi Waziri**

**Bench: Najmi Waziri**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CONT.CAS(C) 213/2021 & CM APPL. 10198/2021  
SHRI SHAKUNTAL SECONDARY TEACHERS TRAINING  
COLLEGE & ANR.

Through: Mr. Amitesh Kumar,  
Kumari and Ms. Bin  
Advs.

versus

DR VINEET JOSHI IAS CHAIRPERSON NATIONAL COUNCIL  
FOR TEACHER EDUCATION & ANR. .... Respo  
Through: Mr. Jai Sahai Endlaw, Adv.

CORAM:  
HON'BLE MR. JUSTICE NAJMI WAZIRI  
ORDER

% 04.08.2021 The hearing has been conducted through video conferencing.

1. On 02.03.2021, while issuing notice, this Court had observed inter alia as under:

"....

4. The impugned order dated 23.12.2020 passed by this Court in W.P.(C) 10970/2020 ('Shri Shakuntal Secondary Teachers Training College & Anr. v. National Council for Teacher Education & Anr.') reads inter alia thus:

"...4. It is clarified that the recognition given to the petitioner Institution for 100 seats continues to be in operation under the NCTE Act and the petitioner may be treated as a recognized institution for all purpose till any contrary orders are passed by the respondents as per law. Respondents will take all consequential steps forthwith including correcting the status of the petitioner institution on the website, informing the Department of Higher Education, State of Gujarat and affiliating University/concerned authority... "

5. On a query put to the learned Standing Counsel for the respondents, the Court is informed that there has been non- compliance of the aforesaid order dated 23.12.2020. He further states that the

respondents are in the process of filing a review petition. The period granted by the Court for compliance of the order dated 23.12.2020 is long over; the plea of filing a review petition is of no consequence for these proceedings. The respondents are in evident breach of the court's orders.

6. Issue notice to R-2 as to why contempt proceedings be not initiated. Notice is accepted by the learned counsel for the respondents. Reply, if any, be filed in two weeks. ..."

2. In the order dated 23.12.2020 in W.P.(C) 10970/2020 this court had clearly held that the recognition given to the petitioner- institution for 100 seats continues to be in operation under the NCTE Act and the petitioner may be treated as a recognized institution for all purposes till any contrary orders are passed by the respondents as per law. (emphasis supplied)

3. In the face of the above, the respondents have now taken a decision on 04.03.2021 in the Minutes of 335th Meeting of WRC which is reproduced hereunder:

4. The learned counsel for the respondents submits that the petitioner was found to be non-compliant with the Regulations of 2014, inasmuch as it had not filed an affidavit and it was so informed of its default and/or anomaly by way of a communication earlier sent to the institution.

5. The learned counsel for the petitioner submits that there was no such communication whatsoever about the requirement of filing an affidavit. Furthermore, he submits that in their meeting of 22.02.2021, the respondents had decided to file an appeal against the order dated 23.12.2020 in W.P. (C) 10970/2020.

6. The learned counsel for the petitioner submits that the observation noted in the last paragraph is clearly in the face of this Court's directions, that the petitioner college shall be deemed to be a recognized institution, therefore in the absence of intimation/notice for filing and affidavit the said decision is contrary to the rules, is arbitrary and illegal. He contends that it is ex-facie in breach of the aforesaid direction that the recognition will be continue till a contrary order is passed as per law.

7. Prima facie, the NRC through respondent no.2 is in breach and in contempt of court's directions.

8. The learned counsel for the respondents seeks time to obtain instructions apropos when the petitioner was intimated of the need to file an affidavit, after the aforementioned order of 23.12.2020.

9. At his request, renotify on 10.08.2021.

10.The order be uploaded on the website forthwith.

NAJMI WAZIRI, J AUGUST 4, 2021/AB