

Chatta Primary Teachers Training ... vs National Council For Teacher Education ... on 1 June, 2022

Author: Sanjeev Narula

Bench: Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 8844/2022

CHATTA PRIMARY TEACHERS TRAINING INSTITUTE

..... Petitioner

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR

..... Respondent

Through: Ms. Aakanksha Kaul, Mr. Aman
Sahani and Mr. Manek Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% 01.06.2022

1. Issue notice. Mr. Animesh Kumar, accepts notice on behalf of the Respondents. The petition is taken up for disposal with the consent of counsel for the parties.

2. Petitioner - Chatta Primary Teachers Training Institute is a teacher- training institution that had been initially been granted recognition on 5th August, 2008. However, Eastern Regional Committee ("ERC"), NCTE took a decision in their 304th meeting held on 11th April, 2022, whereby Petitioner's recognition for B.Ed. course was withdrawn and admissions in respect of D.El. Ed. course were restrained vide Withdrawal Order dated 22nd April, 2022. In terms of the said Withdrawal Order, Respondents have observed that de-recognition would take effect from the Academic Session 2022-23. The operative portion whereof, reads as under:

"The original file of the institution alongwith other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, reply in response to final show cause notice for B.Ed. course were carefully considered by ERC and the Committee made following observations :-

1. First show cause notice under section 17(1) issued dated 13.08.2020 for compliance of deficiencies for B.Ed. course.

2. Final show cause notice under section 17(1) issued dated 18.03.2021 for B.Ed.

course on the following ground:

i) Requisite information including list of approved faculty list is not uploaded/ updated on the institutional website as per Clause 7(14)(i) of NCTE Regulation, 2014.

The institution is still deficient on the following in light of NCTE Regulations 2014:

(i) The institution failed to upload requisite information including list of approved faculty list on its website and update the institutional website as per Clause 7(14)(i) of NCTE Regulation 2014.

Hence, recognition granted to B.Ed. course is withdrawn under Section 17(1) of NCTE Act, 1993 from the next academic session 2022-2023. On withdrawal of recognition, the affiliation, if any granted under Clause 8(10) of NCTE Regulations, 2014 by the concerned affiliating body from the next academic session stands withdrawn. Hence, the institution is not entitled to apply for counselling from the next academic session i.e. 2022-2023 and the institution is also not permitted to take any fresh admission of students from the academic session 2022-2023. Further, in case of D.El.Ed. course of the same institution, the Committee observed as under:

1. First show cause notice under section 17(1) issued dated 13.08.2020 for compliance of deficiencies for D.El.Ed. course.

The Committee decided that final show cause notice under section 17(1) of NCTE Act, 1993 be issued to the institution for D.El.Ed. course on the following ground:

(i) Requisite information including list of approved faculty list is not uploaded/ updated on the institutional website as per Clause 7(14)(i) of NCTE Regulation, 2014.

Hence, Final Show Cause Notice under Section 17(1) of the NCTE Act, 1993 be issued to the institution to submit their reply alongwith supported documents accompanied with notarized affidavit Rs. 100/- Non-Judicial stamp paper by the authorized representative of the Management within 30 days from the date of issue of final show cause notice.

At this stage, the institution is not entitled to apply for counselling from the next academic session i.e. 2022-23 and the institution is also not permitted to take any fresh admission of students from the academic session 2022-2023 prior to grant of recognition by ERC NCTE."

3. Mr. Mayank Manish, counsel for the Petitioner, states that Petitioner is in the process of filing an appeal before the Appellate Committee of NCTE under Section 18 of the Act.

4. In terms of the second proviso to Section 17(1) of the NCTE Act, 1993, the Withdrawal Order takes effect at the end of the academic session next following the date of communication of such order,

and therefore, the Withdrawal Order, having been passed on 22nd April, 2022, would take effect from the end of the Academic Session 2022-23.

5. In view of the above, it is made clear that Petitioner is entitled to take part in counselling and admit students for the Academic Session 2022-23. NCTE is directed to reflect Petitioner's status as a recognised institution for the year 2022-23 on its web portal and also to communicate the same to Petitioner's affiliating university and concerned State Government within a period of three days from today.

6. Apart from the B.Ed. course, Petitioner is also aggrieved with the final Show Cause Notice dated 22nd April, 2022 issued by ERC under Section 17(1) of the NCTE Act in respect of the D. El. Ed. course, whereby Petitioner was afforded an opportunity to file a reply to the said Show Cause notice, which was subsequently filed on 7th May, 2022; however, it is contended that at the stage of the Show Cause Notice itself, ERC declared that the Petitioner is not entitled to apply for counselling for the next Academic Session i.e., 2022-23 and will not be permitted to take any fresh admissions prior to grant of recognition by ERC.

7. Since Petitioner's reply to the show cause notice is yet to be examined, the direction to the institution not to take fresh admissions of the student is set aside and shall remain in abeyance till such time the ERC takes a final view on the reply filed by the Petitioner.

8. The petition stands disposed of in these terms.

SANJEEV NARULA, J JUNE 1, 2022 as