

Ramakant Vyas Mahila Shikshan ... vs National Council For Teacher Education ... on 24 September, 2020

Author: Jayant Nath

Bench: Jayant Nath

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 6961/2020

RAMAKANT VYAS MAHILA SHIKSHAN PRASHIKSHAN

MAHAVIDYALAYA & ANR.

..... Petiti

Through: Mr.Amitesh Kumar, Ms.Priti Kuma
and Ms.Binisa Mohanty, Advs.

versus

NATIONAL COUNCIL FOR

TEACHER EDUCATION & ORS.

..... Respondent

Through: Mr.Jai Sahai Endlaw
Mr.Subhoday Banerjee, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 24.09.2020 This hearing is conducted through video conferencing. CM APPL. 23792/2020 (exemption) Allowed subject to all just exceptions.

W.P.(C) 6961/2020 & CM APPL. 23791/2020 (Stay)

1. This writ petition is filed by the petitioners seeking an appropriate direction to quash the decision taken by NRC in its meeting held on 17.07.2020.

2. The case of the petitioner is that it was granted recognition for conducting a B.Ed. course with an annual intake of 100 students with effect from 07.08.2006.

3. On 28th - 31st August, 2019, NRC in its meeting took a decision in respect of production of fake recognition order including additional intake for certain institutions and appropriate action was initiated by NRC under Section 17 of the NCTE Act, 1993. On 05.9.2019, NRC issued a corrigendum to the above decision and the matter was referred to NCTE Headquarters for appropriate legal action.

4. On 11.09.2019, copy of the complaint was forwarded to the petitioner requesting the petitioner to give its comments. The petitioner has filed its reply. The NCTE has conducted an inquiry in this matter and after examining the matter it is stated that the Member (Secretary), NCTE vide its letter dated 19.12.2019 exonerated the petitioner institution from all allegations concluding that the present institution and its principle officer cannot be blamed for the conspiracy alleged.

5. With effect from 28.01.2020, NRC ceased to have jurisdiction in respect of institutions in Rajasthan.

6. The grievance of the petitioner relates to the meeting held on 17.07.2020 by NRC. The matter regarding the inquiry conducted was taken up as a matter without agenda with the permission of the Chair. The NRC decided to reject the report sent on 11.09.2019 and also decided to send to WRC and Government of Rajasthan its order for further action in the matter.

7. Learned counsel for the petitioners has vehemently urged that the NRC ceased to have jurisdiction with effect from 28.01.2020 on the case and the question of taking up of this matter without even a formal agenda item appears to be motivated.

8. Learned counsel for the respondents has opposed the present petition. He states that presently there is no order passed against the petitioner to warrant filing of any writ petition. Further, it is pleaded that even if an order was passed against the petitioner, the remedy of the petitioner was of filing an appeal before the appropriate Appellate Authority under Section 18 of the NCTE Act, 1993.

9. I may only note that the admitted fact is that NRC has ceased to have jurisdiction over institutions in Rajasthan with effect from 28.01.2020.

10. The NRC in its said meeting had noted as follows:-

25. Any other matter with the permission of Chair I Matter of Enquiry Report vide No.F.1-2/2019INCTEIMS Enquiry Report Office in the case of Shri Ramakant Vyas from NCTE Mahila Teacher Training Mahavidhalaya, Ward Hqrs. in respect No.1, Chidawa, Jhunjhunu, Rajasthan is of Shri received from Deputy Secretary, CDN, NCTE Ramakant along 'With letter No. F.1-2/2019INCTE/MS Vyas Mahila office/86297 dt. 19th December, 2019 to place Teacher the report before Regional Committee members Training for consideration of NRC.

Mahavidhalaya The matter was placed before NRC members in emergent meeting No.312 dated 14.02.2020 and the NRC considered the report and decided to receive the following documents from NCTE HQrs. Further, the NRC requested to give these documents vide letter No.NCTE-

CDNO16(14)/1/2019-O/o RD-NRC/207869 dated 20.02.2020:

i. Annexures as mentioned at Flag-A in the letter.

ii. Copy of order of constitution of committee.

iii. Copy of Terms of Reference of the Committee.

iv. The copy of documents received/obtained from the State Government of Rajasthan.

v. Explanation submitted by the college concerned.

vi. Reasons for conducting such inquiry and the rule/clause under which it has been done
vii. Signed copy of the report.

The letter was not replied by NCTE HQrs. and first reminder was sent vide letter F.No.RD/NRC/NCTE/2020/ 208731 dated 16.07.2020 since no communication received from the HQrs. till today.

The Committee considered the report on the basis of documents received from Govt. of Rajasthan and other documents available with NRC. The report was examined by the Committee in-depth and unanimously decided not to accept the enquiry report, hence report rejected by the NRC. The speaking order giving points of rejection with the copy of documents should be sent to WRC and Govt. of Rajasthan for further action in the matter and the matter should also be conveyed to the Hon'ble Chairman, NCTE and Deputy Secretary (CDN), NCTE for information.

11. The above order is clearly a cryptic order.

12. The admitted fact is that NRC has no jurisdiction over colleges in Rajasthan. There is no explanation as to why despite this admitted position, NRC choose to take up the matter, quash the enquiry report and direct WRC and Govt. of Rajasthan for further action.

13. In view of the above, it would be in the interest of justice that the concerned authority/NCTE may deal with the report in question as per law uninfluenced by any observations/directions of the NRC in its alleged meeting dated 28.01.2020.

14. Nothing further survives in this petition. The petition is disposed of. All pending applications, if any, are also disposed of.

15. This order is passed without prejudice to all the other rights and contentions of the parties.

JAYANT NATH, J.

SEPTEMBER 24, 2020/dkb/v