

# Kle Societys College Of Education vs National Council For Teacher Education ... on 8 October, 2021

**Author: Prateek Jalan**

**Bench: Prateek Jalan**

\$~50 (2021 Cause List)

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11597/2021

KLE SOCIETYS COLLEGE OF EDUCATION ..... Petiti  
Through: Ms. Arunima Dwivedi & Ms.  
Swati Jhunhunwala, Advocates.

versus

NATIONAL COUNCIL FOR TEACHER  
EDUCATION AND ANR. .... Respondent  
Through: Mr. Jai Sahai Endlaw, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN  
ORDER

% 08.10.2021 The proceedings in the matter have been conducted through hybrid mode [physical and virtual hearing].

CM APPL. 35786/2021(exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 11597/2021 & CM APPL. 35785/2021(ex-parte ad interim relief)

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

2. The petitioner has approached this Court for a direction permitting it to participate and admit students for the B.Ed. course for the academic year 2021-22.

3. The petitioner's B.Ed. course was granted recognition on 30.11.2004 by the Southern Regional Commission ["SRC"] of the National Council for Teacher Education ["NCTE"]. A revised recognition order dated 16.05.2015 was issued pursuant to notification of the National Council for Teacher Education Regulations (Recognition Norms and Procedure), 2014. The recognition came to be withdrawn by an order of the SRC dated 29.07.2021, against which the petitioner's statutory appeal remains pending.

4. The withdrawal order purports to take effect from the academic session 2021-22. However, the proviso to Section 17(1) of the NCTE Act, 1993 reads as follows:-

"Provided further that the order withdrawing or refusing recognition passed by the Regional Committee shall come into force only with effect from the end of the academic session next following the date of communication of such order."

(Emphasis supplied.)

5. In *Adarsh Shiksha Mahavidyalaya and Ors. vs. Subhash Rahangdale and Ors.* (2012) 2 SCC 425, the Supreme Court held as follows:-

"87. As a sequel to the above discussion, we hold that the impugned orders do not suffer from any legal infirmity warranting interference by this Court. We also reiterate that:

XXXX XXXX XXXX

(viii) The withdrawal of recognition becomes effective from the end of the academic session next following the date of communication of the order of withdrawal."

6. It has been held by this Court also in several cases, that the withdrawal order would, in terms of the aforesaid proviso, come into effect only after the next academic year. The following is an illustrative list of such matters:

(i) Order dated 15.05.2019 in W.P.(C) 5298/2019 [*Bhilai Maitri College vs. National Council for Teacher Education & Anr.*]

(ii) Order dated 28.05.2019 in W.P.(C) 6145/2019 [*Narmada Education Society and Anr. vs. National Council for Teacher Education & Anr.*].

(iii) Order dated 02.08.2019 in W.P.(C) 6721/2019 [*Anushasan Shiksha Samiti & Anr. vs. National Council for Teacher Education & Anr.*].

(iv) Order dated 19.08.2019 in W.P.(C) 8964/2019 [*Amrutha College of Education vs. National Council for Teacher Education & Anr.*].

(v) Order dated 27.08.2020 in W.P.(C) 5689/2020 [*Shri Vijay Swaroop Mahila College of Education vs. National Council for Teacher Education & Anr.*].

(vi) Order dated 25.09.2020 in W.P.(C) 6159/2020 [*Santram Krishna Kanya Mahavidyalaya vs. National Council for Teacher Education & Anr.*].

(vii) Order dated 28.01.2021 in W.P.(C) 1082/2021 [College of Education & Anr. vs. National Council for Teacher Education & Anr.].

(viii) Order dated 22.09.2021 in W.P.(C) 10708/2021 [Savita Devi Mahavidyalaya & Anr. vs. National Council for Teacher Education & Anr.].

It may be noted that the said position has also been conceded by the NCTE in several cases. Examples of such concessions may be found in the order dated 28.01.2021 in W.P.(C) 1082/2021 [College of Education & Anr. vs. National Council for Teacher Education & Anr.] and in the order dated 22.09.2021 in W.P.(C) 10708/2021 [Savita Devi Mahavidyalaya & Anr. vs. National Council for Teacher Education & Anr].

7. The withdrawal order in the present case was issued on 29.07.2021. From Mr. Endlaw's submissions, it appears that there may be some controversy as to whether this was during the academic year 2020-21 or 2021-22. It is not necessary to enter into this question at this stage as the withdrawal order would, in either event, not come into effect until after the academic session 2021-22.

8. The writ petition is, therefore, disposed of by directing the respondents to permit the petitioner to participate in counselling and admit students for the academic year 2021-22, and communicate the same to the petitioner's affiliating university and the concerned State Government authorities within one week.

9. The writ petition, alongwith the pending application, stands disposed of.

PRATEEK JALAN, J OCTOBER 8, 2021 'pv'