

# Monika Virmani Teachers Training ... vs National Council For Teacher Education ... on 23 December, 2021

**Author: Prateek Jalan**

**Bench: Prateek Jalan**

\$~20 (2021 Cause List)

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 14894/2021

MONIKA VIRMANI TEACHERS  
TRAINING COLLEGE

..... Petitioners

Through: Mr. Sanjay Sharawat, Advocate.

versus

NATIONAL COUNCIL FOR TEACHER  
EDUCATION & ANR.

..... Respondents

Through: Mr. Govind Manoharan, Advocate  
for NCTE(9971208987).

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 23.12.2021 The proceedings in the matter have been conducted through hybrid mode [virtual and physical hearing].

1. Issue notice. Mr. Govind Manoharan, learned counsel, accepts notice on behalf of the respondents.

2. The writ petition is directed against a decision taken by the Western Regional Committee ["WRC"] of the National Council for Teacher Education ["NCTE"] on 03-05.12.2021, by which the petitioner's application for recognition of its D.El.Ed. course has been rejected.

3. The petitioner made an application in the year 2012 to the Northern Regional Committee ["NRC"] for recognition of the course. The application was first returned on 11.06.2013 on account of a ban imposed by the State of Rajasthan on establishment of new teacher training colleges. The petitioner carried the matter to the Rajasthan High Court, which by an order dated 03.08.2018 relegated the petitioner to the remedy of appeal. The petitioner's appeal was disposed of by the Appellate Committee on 31.10.2018, remanding the matter to the concerned Regional Committee for further adjudication.

4. A Show Cause Notice ["SCN"] dated 26.04.2019 was thereafter issued inter alia on the ground that the petitioner-institution operated from a rented premises at the time of application and has acquired ownership of the premises only thereafter. The petitioner replied to the SCN by communications dated 15.04.2019 and 22.01.2020.

5. The matter was thereafter pending before the WRC, which now has jurisdiction over institutions in the State of Rajasthan, which was transferred from the NRC vide notification dated 27.01.2020.

6. The petitioner approached this Court in W.P.(C) 1819/2020 seeking processing of its application. The said writ petition was disposed of on 17.02.2020 with a direction upon the Regional Committee to consider the application at its next meeting and bear in mind the cut-off date of 03.03.2020 for recognition to be granted for the academic session 2020-21.

7. Despite this order, the matter remained pending with the WRC, which issued another SCN to the petitioner on 07.11.2020. The ground regarding belated registration of the land documents in favour of the petitioner was taken in this SCN also.

8. The petitioner once again approached this Court in W.P.(C) 9900/2020. This Court vide order dated 09.12.2020 noted that the matter was at the stage of the SCN, and disposed of the petition with liberty to the petitioner to raise the grounds in the writ petition before the Regional Committee. However, the Court noticed the Division Bench decision of this Court dated 19.02.2018 in W.P.(C) 1358/2018 [R.A.S. College Of Education vs. National Council for Teacher Education & Anr.] wherein the same issue has been considered at length. The Division Bench, in turn, cited several prior judgments and orders of this Court which lay down that the NCTE is bound to consider the land documents presented to it during the pendency of an application for recognition, and cannot reject the application on the basis that the applicant did not have title to the land in question at the time the application was made. In the order dated 09.12.2020, the Court expressed the expectation that the respondents would take into consideration the aforesaid decision in R.A.S. College Of Education (supra) before taking a decision.

9. The petitioner accordingly replied to the SCN on 21.12.2020 and cited the judgments in R.A.S. College Of Education as well as the order of this Court dated 09.12.2020.

10. Inspection of the premises was thereafter carried out, but another SCN dated 14.07.2021 came to be issued. The question of registration of land subsequent to the date of the application was once again raised. The petitioner replied to this SCN on 23.07.2021, and once again, cited the decision of this Court dated 09.12.2020.

11. The impugned order dated 03-05.12.2021 has been passed upon adjudication of the SCN dated 14.07.2021. The relevant extracts of minutes of the said meeting read as follows:-

"The original file of the Institution along-with other related documents were carefully examined in the light of NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and the Committee observed as under:

The Show Cause Notice dated 14.07.2010 was issued to the institution. The applicant has replied to the issues raised in the Show Cause-Notice on 23.7.2021. The point raised in the Show Cause Notice is that as per V.T. report, the land has been registered on 27.5.2015 i.e. after the date of application to NCTE which is not acceptable as per Clause 8(4)(i) of NCTE Regulations 2014.

The Committee considered the reply submitted by the institution on 23.7.21 to show cause notice and decided that application of the institution be refused u/s 14/15(3) (b) of the NCTE Act for D.El.Ed. programme."

(Emphasis supplied.)

12. It is evident that the only ground taken in the aforesaid minutes is that, as per the visiting team report, the land has been registered on 27.05.2015, i.e. after the date of the application to the NCTE.

13. In the light of the Division Bench judgment of this Court in R.A.S. College Of Education and the order of this Court dated 09.12.2020, this finding of the WRC is entirely inexplicable.

14. The judgment of the Division Bench itself cites six prior orders contrary to the stand taken by the NCTE. The said judgment has thereafter been followed in several subsequent orders of this Court. A number of such orders have been annexed to the writ petition as Annexures P-13 to P-20. A brief list of such orders is as follows:-

Writ petition No. Party Name Date of Decision W.P.(C) 1358/2018 R.A.S. College Of Education 19.02.2018 vs. National Council For Teacher Education & Anr W.P.(C) 5751/2018 Shri Ram College Of 25.05.2018 Education vs. National Council For Teacher Education & Anr W.P.(C) 6685/2018 Aryawart College of 25.06.2018 Education vs. National Council For Teacher Education & Anr W.P.(C) 1229/2019 Siri Bhagwan College of 16.10.2019 Education vs. National Council For Teacher Education And Anr.

W.P. (C) 2732/2021	Shri Shyam B.Ed College vs. National Council For Teacher Education & Anr.	02.03.2
W.P. (C) 11050/2021	Sarvodaya Girls College vs. National Council For Teacher Education & Anr.	29.09.2
W.P. (C) 4791/2021	Princess Girls College vs. National Council For Teacher Education & Anr.	20.04.2
W.P. (C) 13939/2021	Princess Girls College vs. National Council For Teacher Education & Anr.	08.12.2

15. The impugned order displays that the WRC has approached the issue with a

completely mechanical mindset. The same ground has been raised in repeated SCNs, to which the petitioner has replied relying upon the judgments of this Court. The WRC has not dealt with the judgments at all, but has nevertheless, reiterated the contents of the SCN in the impugned order.

16. In these circumstances, the impugned order of the WRC is unsustainable and is set aside. The matter is remanded to the WRC for reconsideration in accordance with law. It is made clear that the WRC will take into account the registered land documents [registered on 27.05.2015] presented by the petitioner and the application will not be rejected on the ground that the land documents were registered after the date of application.

17. The WRC will process the petitioner's application in accordance with the Standard Operating Procedure of the NCTE and render a final decision thereupon prior to 03.03.2022, which is the last date for recognition of institutions for the academic year 2022-23.

18. The writ petition is disposed of with the aforementioned directions. The NCTE will pay costs of 25,000/- to the petitioner.

19. At this stage, Mr. Manoharan seeks waiver of the order of costs.

However, the factual narrative aforesaid demonstrates that the NCTE has acted directly in breach of the decisions of this Court. By the order dated 17.02.2020 in W.P.(C) 1819/2020, the NCTE was to dispose of the petitioner's application before 03.03.2020, but the matter has been dragged on for an entirely unjustifiable reason. The petitioner has lost two academic years in this process. Mr. Manoharan's request, therefore, cannot be acceded to.

PRATEEK JALAN, J DECEMBER 23, 2021 'Bp' /