

पूर्व क्षेत्रीय समिति
राष्ट्रीय अध्यापक शिक्षा परिषद्
(भारत सरकार का एक विधिक संस्थान)



Eastern Regional Committee
National Council for Teacher Education
(A Statutory Body of the Government of India)

F.No./ERC/APP17-2012/B.Ed/2020/63421

Date: 28thDecember, 2020

Kamla Bhubaneswar B.Ed College, Plot No – 1410, 1411, 1412, Vill./Po. - Chandour, Tehsil/Taluka – Bhagwanpur, Town/City – Teghra, Dist – Begusarai, Bihar – 851133 (B.Ed.) .

AS per Hon'ble High Court of Delhi order dated 09.12.2020 passed in W.P.C No. 10074/2020 the Hon'ble High Court directs the respondent will take all consequential steps forthwith including allowing the petitioner to participate in the counselling for the current academic session 2020-21.

11/11
28/12/20
(Dr. Anil Kumar Sharma)

Regional Director
Dr. A. K. SHARMA
Regional Director
Eastern Regional Committee
National Council for Teacher Education
15, Nee:khant Nagar, Nayapalli,
Bhubaneswar-751102

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10074/2020 & CM APPLs. 32065-66/2020
KAMLA BHUBNESHWAR ... Petitioner
Through Mr.Kunal Jaiman, Adv.
versus
NATIONAL COUNCIL FOR TEACHER EDUCATION
& ANR. ... Respondents
Through Mr.Akshay Chandra, Standing
Counsel for NCTE.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **09.12.2020**

This hearing is conducted through video conferencing.

1. This writ petition is filed by the petitioner seeking a direction to hold that the order dated 27.11.2020 passed by respondent No.1 necessarily and impliedly annuls the impugned order dated 01.02.2020 passed by respondent No.2 by which the recognition of the petitioner for B.Ed. course was withdrawn.
2. The petitioner was granted recognition on 25.02.2014 for B.Ed. course. In 2015 after notifications of new regulations, NCTE issued guidelines for all institutions. A revised recognition order was also issued on 23.05.2015. The case of the petitioner is that in compliance of the order the petitioner submitted the required documents to ERC in 2016. It is the case of petitioner that it was issued two Show Cause Notices with respect to some discrepancies with respect to Faculty List, Building Plan and FDR which were duly cured vide reply dated 05.05.2018, 13.12.2018 and 29.11.2019 and additional documents were also submitted on 09.03.19. The withdrawal

order was however passed by ERC on 01.02.2020 on the ground of non-submission of proper documents as required in the Show Cause Notice. Aggrieved by the said order, the petitioner filed a statutory appeal before NCTE on 14.09.2020. By the impugned order dated 27.11.2020, the Appellate Authority has accepted the contentions of the petitioner and has remanded the matter back to ERC. The grievance of the petitioner is that the impugned order passed by ERC dated 01.02.2020 has not been quashed and the matter has simply been remanded back to ERC by the Appellate Authority to reconsider its decision based on the documents supplied by the petitioner.

3. Learned counsel for the petitioner relies upon the judgment of co-ordinate bench of this court dated 10.07.2019 passed in W.P.(C) No. 7365/2019 titled as *Anjuman College of Education vs. National Council for Teacher Education & Anr.* to submit that in these circumstances the impugned order of ERC withdrawing recognition dated 01.02.2020 should have been quashed by the Appellate Authority.

4. A perusal of the impugned order dated 27.11.2020 shows that it notes the contentions of the petitioner that the petitioner herein had submitted the documents found wanting in the withdrawal order dated 01.02.2020 vide covering letter dated 09.03.2019. It also notes the submission of the petitioner that complete compliance of all requirements has been done by the petitioner. The Appellate Authority thereafter decided that the petitioner may submit all the authenticated copies of documents to ERC within 15 days and ERC shall on receiving required documents re-visit the matter and pass appropriate orders as per law.

5. Learned counsel for the respondents states that there is no need to

interfere in this matter as this writ petition is premature as the period of 15 days has not lapsed. He further states that ERC will be taking a decision shortly and hence there are no reasons to pass any orders in favour of the petitioner.

6. Learned counsel for the petitioner has strenuously urged counselling for the next academic session has commenced from 01.12.2020 and the name of the petitioner institution is missing from the list of authorized institutions. He submits that on account of the act of the Appellate Authority grave prejudice is being caused to the petitioner.

7. Reference may be had to the order of this court dated 08.05.2019 in W.P.(C) No. 4959/2019, titled as *HICT Shiksha Mahavidyalaya vs. National Council for Teacher Education & Anr.* passed by a co-ordinate bench which reads as follows:

“....

3. It is axiomatic, in law, that quashing of the order in appeal has necessarily to precede remand of the matter to the original authority.

4. In view thereof, I deem it appropriate to dispose of this writ petition, at this stage itself, by clarifying that the order dated 11th March, 2019, passed by the Appellate Committee in the NCTE, would be treated as quashing the withdrawal order dated 25th September, 2018 of the WRC, and, consequently, remanding the matter to the WRC for a reconsideration.”

8. In view of the above, in my opinion, the net effect of the order of the Appellate Authority dated 27.11.2020 is that the order passed by ERC dated 01.02.2020 stands quashed. It is ordered accordingly. The respondent will take all consequential steps forthwith including allowing the petitioner to participate in the counselling for the current academic session i.e. 2020-21

and correcting the position of the petitioner on the website with appropriate communication to the affiliating university and the Department of Higher Education.

9. ERC will deal with the matter as per law uninfluenced by any observations made above.

10. Accordingly, the writ petition is disposed of. All pending applications, if any, be also disposed of.

DECEMBER 9, 2020/st

JAYANT NATH, J.