

F.No.ER-306.19/ERCAPP1757/B.Ed/2022/

Dated:

To,

The Principal/Correspondent,
Provadevi B.Ed College, Plot No. 8602
Vill- Barnia, Post- Barnia, Tehsil/Taluka- Tehatta
Town/City- Tehatta, Distt- Naida
West Bengal-741156

Sub: Compliance order passed by Hon'ble High Court in W.P.(C) 11794/2022 filed by Prova Devi B.Ed College & Anothers.

Sir/Madam,

I am to say that the recognition granted to Provadevi B.Ed College, Plot No. 8602, Vill- Barnia, Post- Barnia, Tehsil/Taluka- Tehatta, Town/City- Tehatta, Distt- Naida West Bengal-741156 for B.Ed course was withdrawn by ERC vide order No. ER-306.19/ERCAPP1757/B.Ed/2022/ 659773 dated 25.07.2022.

2. The institution had filed a Writ Petition No. 11794/2022 before the Hon'ble High Court of Delhi against the Withdrawal Order dated 25.07.2022 passed by ERC. The Hon'ble High Court passed an Order dated 16.08.2022. The operative part of order as under:-

“.....

6. In the opinion of the court, the above controversy needs no deliberation as the issue is pending consideration before the Division Bench of this court in LPA 376/2021 (National Council for Teacher Education and Anv. v. Savita Devi Mahavidyalaya and Anr). Further, since academic session 2022-23 has just commenced and the Petitioner-College is intending to file an appeal, it would suffice by observing that Petitioner-College would be entitled to Participate in counseling and admit students in B.Ed course for the academic session 2022-23.

7. The Respondents are directed to reflect the Petitioner's status as a recognized institution for the academic session 2022-23 on their website and also to communicate the same to the Petitioner's affiliating university and the concerned State Government, within a period of 10 days from today.

.....”

3. In compliance of above Hon'ble High Court Order dated 16.08.2022, it is clarified that the said institution is entitled to participate in counseling and admit students for the academic session 2022-23.

Yours faithfully,

(Ravindra Singh)
Regional Director

Copy to:-

1. The Secretary to the Govt. of West Bengal, Department of Higher Education, 06th Floor, Room No. 606, Bidhan Nagar, Kolkatta, West Bengal-700091.
2. The Registrar, University of North Bengal, Raja Rammohunpur, Post- North Bengal University, Distt- Darjeeling, West Bengal-734013.
3. IT consultant, ERC, for uploading this letter on NCTE/ERC website.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11794/2022

PROVA DEVI BED COLLEGE & ANR.

..... Petitioners

Through: Mr. Amitesh Kumar and Ms. Priti Kumari, Advocates.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

..... Respondents

Through: Mr. Rahul Madan, Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.08.2022

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1. Petitioner-College has approached this court aggrieved by the ambiguity in the list of 'ERC Recognized Institutions (West Bengal)' and seeks clarification with respect to the date of operation of the withdrawal order dated 25th July, 2022 passed by the Eastern Regional Committee [*hereinafter* "ERC"] of National Council for Teacher Education [*hereinafter* "NCTE"].

2. At the outset, Mr. Amitesh Kumar, counsel for Petitioner-College, states that he is conscious that there is an appeal remedy before Appellate Authority of NCTE against the withdrawal order and indeed Petitioner-College is in process of filing the same. He submits that a limited clarification is necessary as there is uncertainty regarding the date of operation of the withdrawal order, owing to the status updated by the

Respondents on their website.

3. Mr. Rahul Madan, Standing Counsel for NCTE, on the other hand, states that the instant petition is misconceived. He states that there is no ambiguity in the withdrawal order as claimed by the Petitioner-College since the order itself makes reference to the proviso to Section 17(1) of the National Council for Teacher Education Act, 1993 [*hereinafter* “NCTE Act”] and declares that the recognition shall be withdrawn w.e.f. the end of academic session next following the date of communication of the withdrawal order. He states that the withdrawal order will come into effect from the beginning of the academic session 2023-24. Reliance is placed on the following observations in the withdrawal order: -

“Hence, ERC decided that the recognition for B.Ed. Course be **withdrawn** under Section 17(1) of the NCTE Act, 1993 with effect from the end of academic session next following the date of communication of withdrawal order on the above grounds.”

[Underscoring supplied; bold in original]

4. The court has briefly heard the contentions advanced by the counsel for the parties on this aspect. It would suffice to note that the contention of Mr. Madan is centred around the second proviso to Section 17(1) of the NCTE Act. On the other hand, Mr. Kumar submits that since the withdrawal order was issued in July 2022 – in terms of the second proviso to Section 17(1) of NCTE Act, the same will come into effect only from the end of academic session 2023-24 and not earlier. He further states that Court has repeatedly repelled the erroneous argument raised by Mr. Madan *qua* the applicability/effect of the withdrawal order. He places reliance on the orders

of this court in *Savita Devi Mahavidyalaya & Anr v. NCTE & Anr.*,¹ *KLE Societys College of Education & Anr. v. NCTE & Anr.*,² *Grace College of Education (M.Ed.) & Anr. NCTE & Anr.*,³ *Grace College of Education (B.Ed.) & Anr. NCTE & Anr.*,⁴ and *University B. T. and Evening College v. NCTE & Anr.*⁵ Mr. Kumar very fairly states that order of the Single Judge in *Savita Devi Mahavidyalaya (supra)* has been assailed before the Division Bench in LPA 376/2021 which is pending; however, no stay has been granted.

5. Mr. Madan does not dispute the above decisions. Nonetheless, he submits that the Hindi version of the statute gives a different meaning which is in line with the intent of the second proviso to Section 17(1) of the NCTE Act.

6. In the opinion of the court, the above controversy needs no deliberation as the issue is pending consideration before the Division Bench of this court in LPA 376/2021 [*National Council for Teacher Education and Anr. v. Savita Devi Mahavidyalaya and Anr.*]. Further, since academic session 2022-23 has just commenced and the Petitioner-College is intending to file an appeal, it would suffice by observing that Petitioner-College would be entitled to participate in counselling and admit students in B.Ed. course for the academic session 2022-23.

¹ order dated 22nd September, 2021 in W.P.(C)10708/2021.

² order dated 08th October, 2021 in W.P.(C) 11597/2021.

³ order dated 16th December, 2021 in W.P.(C) 14470/2021.

⁴ order dated 23rd December, 2021 in W.P.(C) 14900/2021.

7. The Respondents are directed to reflect the Petitioner's status as a recognised institution for the academic session 2022-23 on their website and also to communicate the same to the Petitioner's affiliating university and the concerned State Government, within a period of 10 days from today.

8 The present petition is disposed of in the above terms.

9. It is, however, made clear that in the event, appeal of Petitioner is not decided by the end of the academic session 2022-23, Petitioner shall be liberty to take recourse to appropriate remedies, in accordance with law, regarding the effective date of the withdrawal order.

SANJEEV NARULA, J

AUGUST 16, 2022
d.negi.

⁵ order dated 04th August, 2022 in in W.P.(C) 11567/2022.