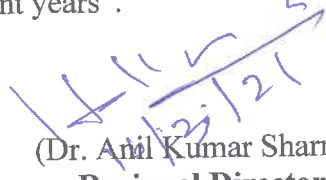


F.No.NCTE/ERC/APP1328/B.Ed/2021/63816

Date:- 16th March, 2021

Sundarban Minority B.Ed. College, Plot No. 1525, 1546, Vill- Amtala Bazar,Po. Kumarjole, Tehsil/Taluka- Hatbhangra, Town- City- Minakhan, Dist- North 24 Parganas, West Bengal – 743425 (APP1328) (B.Ed.)

As per Hon'ble High Court of Delhi order dated 15.01.2021 passes in W.P.C No. 166/2021, the Hon'ble High Court directs "Until such a decision is taken, the petitioner is entitled to all consequential reliefs including reinstatement as a recognised institution and to participate in the admission process for the academic year 2020-21 and subsequent years".


(Dr. Anil Kumar Sharma)
Regional Director
Dr. A. K. SHARMA
Regional Director
Eastern Regional Committee
National Council for Teacher Education
15, Neelkhanth Nagar, Nayapalli,
Bhubaneswar-751102

Copy to:-

1. The Registrar, West Bengal University of Teachers Training, Education Planning and Administration, 25/2 and 25/3, Ballygunge Circular Road, Kolkata, West Bengal – 700019.
2. The Secretary, Department of Higher Education, Govt. of West Bengal, 6th Floor, Bikash Bhawan, Salt lake Kolkata, West Bengal - 700091.

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

+ W.P.(C) 166/2021

SUNDARBAN MINORITY B ED COLLEGE & ANR..... Petitioners

Through: Mr. Amitesh Kumar, Adv.

versus

NATIONAL COUNCIL FOR

TEACHER EDUCATION & ANR.

..... Respondents

Through: Mr. Jaideep Khanna, Adv.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **15.01.2021**

The proceedings in the matter have been conducted through video conferencing.

CM APPL. 1436/2021 (exemption)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

CM APPL. 1435/2021 (seeking correction)

1. The petitioners seek correction of a typographical error in the order dated 07.01.2021, by which the writ petition was disposed of.
2. In paragraph 5(b) of the said order, the academic year is mentioned as "2021-2022", whereas Mr. Amitesh Kumar, learned counsel for the petitioners, submits that it should have read as "2020-2021". Mr. Jaideep Khanna, learned counsel for the respondents, does not dispute this position.

3. In view of the above, paragraph 5(b) of the order dated 07.01.2021 is corrected and will read as follows:

“b) Until such a decision is taken, the petitioner is entitled to all consequential reliefs including reinstatement as a recognised institution and to participate in the admission process for the academic year 2020-21 and subsequent years.”

4. The application is disposed of in the above terms.

PRATEEK JALAN, J

JANUARY 15, 2021

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

+ W.P.(C) 166/2021

SUNDARBAN MINORITY
B ED COLLEGE & ANR.

..... Petitioners

Through: Mr. Amitesh Kumar, Advocate.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

..... Respondents

Through: Mr. Jaideep Khanna & Mr. Shivam
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

07.01.2021

The proceedings in the matter have been conducted through video conferencing.

CM APPLs. 475 & 477/2021 (*exemption*)

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 166/2021 & CM APPL. 476/2021 (*stay*)

1. Issue notice. Mr. Jaideep Khanna, Advocate accepts notice on behalf of respondents. With the consent of learned counsel for the parties, the petition is taken up for disposal.
2. The contention of the petitioners in the present writ petition is with

regard to the effect of an order dated 24.12.2020 passed by the Appellate Committee of National Council for Teacher Education (“NCTE”) by which the petitioners’ contentions in appeal were accepted and the matter was remanded to the Eastern Regional Committee (“ERC”) of NCTE.

3. By an order dated 02.09.2019 [Annexure P-13 to the writ petition], the ERC had withdrawn the recognition granted to the petitioner. The petitioner carried the matter in appeal and the Appellate Committee of NCTE disposed of the petitioner’s appeal by an order dated 24.12.2020 [Annexure P-14 to the writ petition]. The operative portion of the order of the Appellate Committee reads as follows:-

“AND WHEREAS Appeal Committee after noting the grounds of withdrawal mentioned in the impugned order dated 02/09/2019 and perusing the documents stated to have been submitted by appellant to ERC from time to time and available on the regulatory file, observed that appellant had in fact submitted 2 lists of faculty which contained the names of 10 + 6 faculty approved by affiliating body in June, 2017. There are a number of copies of original blue print of Building Plan and Building Completion Certificate having been submitted by appellant institution from time to time. Copies of renewed FDRs are also found available on the regulatory file. Appeal Committee also noted that appellant institution has infact submitted two lists of faculty containing the names of 10 + 6 = 16 faculty and out of these two lists one list might have missed the attention of Regional Committee. Appeal Committee decided that appellant institution is required to submit to ERC within 15 days of the issue of Appeal order, copies of all the documents submitted by it before Appeal Committee. Appeal Committee further decided to remand back the case to ERC for revisiting the matter.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral

arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Sundarban Minority B.Ed. College, Amtala Bazar PO - Kumarjole, Amtala Bazar, Kumarjole, NA, Hatbhanga, North 24 Pargana, West Bengal to the ERC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.”

4. Mr. Amitesh Kumar, learned counsel for the petitioner contends that as a consequence of the aforesaid order of the Appellate Committee, the withdrawal of the petitioner’s recognition is no longer operative and the petitioner is entitled to participate in the admission process for the subsequent academic years. He relies upon several decisions of this Court to similar effect, including the order dated 08.05.2019 in W.P.(C) 4959/2019 [*Hict Shiksha Mahavidyalaya vs. National Council for Teacher Education & Anr.*]. The aforesaid order has been followed in several subsequent orders which have been annexed to the present writ petition as Annexure P-16.

5. Having regard to the aforesaid facts and following the aforementioned orders of coordinate benches of this Court, the present writ petition is disposed of with the following directions:

- a) It is clarified that the order of the ERC dated 02.09.2019 is rendered inoperative by virtue of the decision of the Appellate Committee. The decision of the ERC stands quashed, reserving liberty to the ERC to take a fresh decision on remand in accordance with law.

- b) Until such a decision is taken, the petitioner is entitled to all consequential reliefs including reinstatement as a recognised institution and to participate in the admission process for the academic year 2021-22 and subsequent years.
 - c) The respondent will correct the petitioner's status on its website and will communicate the aforesaid status to the Affiliating University as well as to the Department of Higher Education, State of West Bengal.
6. The pending application also stands disposed of.

PRATEEK JALAN, J

JANUARY 7, 2021

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