

File No.- ER-284.22/ERCAPP1332/B.Ed./2020

Dated: 16th November, 2021
64704-06 18/11/2021

ORDER

In compliance of order dated 12.10.2021 passed by Hon'ble High Court of Delhi in case titled as BKJK School of Education versus NCTE & Anr. In W.P. No. 11748/2021, BKJK School of Education Address:- Plot No.- 3254, 3255, Vill/PO.-Barakulberia Tehsil/Taulka- Barakulberia, Dist.- Nadia, West Bengal-741150 the institution is entitled to participate in the counseling for the academic session 2021-22.

The Institution may take up the matter with Affiliating University for counseling purpose by quoting this order.

(N.K.Sharma)
Regional Director

To

The Principal/Correspondent
BKJK School of Education
3254, 3255, Vill/PO.-Barakulberia
Tehsil/Taulka- Barakulberia,
Dist.- Nadia, West Bengal-741150

Copy to:-

- 1.) The Secretary, Department of Higher Secondary, Govt of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake, Kolkata, West Bengal-700091
- 2.) The Registrar, The West Bengal University of Teacher's Training Education Planning and Administration, 25/2 and 25/3, Ballygunge Circular Road, Kolkata, West Bengal-700001
- 3.) Office Order File/Institution file.

\$~202 (2021 Cause List)

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

+ W.P.(C) 11748/2021

B.K.J.K. SCHOOL OF EDUCATION Petitioner

Through: Mr. Mayank Manish &
Mr. Ravi Kant, Advocates

versus

NATIONAL COUNCIL FOR
TEACHER EDUCATION AND ANR Respondents

Through: Ms. Kartika Sharma & Mr. Udian
Sharma, Advocates for NCTE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **12.10.2021**

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

CM APPL. 36320/2021 (exemption)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) 11748/2021 & CM APPL. 36319/2021 (interim directions)

1. Issue notice. Ms. Kartika Sharma, learned counsel, accepts notice on behalf of the respondents. With the consent of learned counsel for the parties, the writ petition is taken up for disposal.
2. The petitioner was granted recognition by the Eastern Regional Committee ["ERC"] of the National Council for Teacher Education

[“NCTE”] for its B.Ed. course on 03.03.2014. A revised recognition order in terms of the NCTE Regulations (Recognition Norms and Procedure), 2014, was issued on 26.05.2015. However, after the issuance of a show cause notice, the ERC passed an order dated 29.09.2020 withdrawing the petitioner’s recognition “*with effect from academic session 2021-22*”. The petitioner has preferred an appeal under Section 18 of the NCTE Act, 1993 before the Appellate Committee of the NCTE, which remains pending.

3. The grievance with which the petitioner has approached this Court is that it is not being permitted to participate in counselling or admit students for the academic session 2021-22. Mr. Mayank Manish, learned counsel for the petitioner, relying upon the second proviso to Section 17(1) of the NCTE Act, 1993, submits that the order of withdrawal would take effect only from the end of the academic session next following the date of communication of the order.

4. The second proviso to Section 17(1) of the Act 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 view of the above, the position is that the withdrawal order dated 29.09.2020 would take effect only from the end of the next academic session, i.e. from the end of the academic session 2021-2022. The impugned order dated 29.09.2020, to the extent that it purports to take effect from the academic session 2021-2022, is clearly in the teeth of the

statutory provision. It may also be mentioned that this position has been laid down in judgment of the Supreme Court in *Adarsh Shiksha Mahavidyalaya and Ors. vs. Subhash Rahangdale and Ors.* (2012) 2 SCC 425 and in several orders of this Court. It has been held by this Court 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.*].

6. In view of the above, the respondents are directed to treat the petitioner as a recognised institution insofar as academic session 2021-2022 is concerned and to permit it to participate in counselling and admit students. The respondents will reflect the correct status of the petitioner on their website and also communicate the same to the petitioner's affiliating University and the concerned State Government within one week from today.

7. The Appellate Committee is also directed to dispose of the petitioner's appeal expeditiously.

8. The writ petition, alongwith the pending application, is disposed of with these directions.

PRATEEK JALAN, J

OCTOBER 12, 2021

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