

To,

The Principal/Correspondent,
Al-Momin College of Education,
Mohalla Aminabad, At-P.O- Bishurpura,
Via-Chirki Bazar,
Dist-Gaya, Bihar- 824237

Sub: Compliance of the order dated 21.07.2022 passed by Hon'ble High Court in W.P. (C) 10957/2022 & CM APPL 31897/2022 filed by Al Momin College of Education-reg.

Sir/Madam,

Please refer to order dated 21.07.2022 in W.P. (C) 10957/2022 & CM APPL. 31897/2022 passed by Hon'ble High Court of Delhi in r/o Al Momin College of Education in reference to the Final Show Cause Notice dated 22.04.2022 issued by ERC. The operative part of order is as under:-

“8. In view of the above, the present petition is allowed and the show cause notice dated 22nd April, 2022 issued by ERC – to the extent it prohibits Petitioner-institute from applying for counselling and to take admissions from the academic session 2022-23 – is set aside.

9. The petition is allowed in the above terms and NCTE is directed to issue a restoration order *qua* Petitioner-institute's recognition. Petitioner institute will be permitted to participate in counselling and admit students for the year 2022-23, and also for subsequent years, until and unless a fresh withdrawal order is passed against it. The status of Petitioner-institute as a recognised institution will also be reflected on Respondents website, and Respondents will intimate the same to Petitioner-institute's affiliating university as well as to the concerned departments of the respective State Government.”

2. In compliance of above order dated 21.07.2022 passed by Hon'ble High Court of Delhi it is clarified that the recognition of the said college for B.Ed course has not been withdrawn by ERC till date. Therefore the institution is entitled to participate in the counselling and admit students for the year 2022-23, and also for subsequent years, until and unless a fresh withdrawal order passed against it.

Yours faithfully,

(Ravindra Singh)
Regional Director

Copy to:-

1. The Commissioner-cum-Secretary, Primary, Secondary & Higher Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna, Bihar, 800015.
2. The Registrar, Magadh University, Bodh- Gaya, Bihar-824237.
3. IT consultant, ERC, for uploading this letter on NCTE/ERC website

G-7, Sector-10, Dwarka, New Delhi - 110075

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10957/2022 & CM APPL. 31897/2022 (seeking interim relief)

AL MOMIN COLLEGE OF EDUCATION Petitioner

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.
..... Respondents

Through: Mr. Aman Sahani and Mr. Manek Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
21.07.2022

1. Issue notice. Mr. Aman Sahani, counsel for the Respondents, accepts notice. Considering the nature of reliefs sought, the petition is taken up for hearing today itself with the consent of the parties.
2. Petitioner impugns the show-cause notice dated 22nd April, 2022 issued by Eastern Regional Committee (“ERC”), whereby Petitioner-institute has been directed not to apply for counselling and admit students for the academic session 2022-23 without clearance from ERC/ NCTE.
3. This Court *vide* order dated 30th July, 2021 *Arihant College and Ors.*

v. NCTE & Anr.¹ issued certain general directions, which are as follows:

“7. As several petitions for substantially similar relief are being filed in this Court, it is further directed that, whenever a withdrawal order is challenged by an institution (either by way of appeal or by way of writ proceedings) and the matter is remanded to the concerned regional committee, the regional committee will issue an order of restoration of recognition in favour of the institution, pending reconsideration of the withdrawal order. Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned regional committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed. The order of restoration of recognition should be issued within two weeks of the order of remand being communicated to the regional committee, or upon request of the concerned institution. This streamlined W.P.(C)7260/2021 Page 4 of 4 procedure would obviate the multiplicity of litigation which is being witnessed at present. Neither the concerned institutions nor the NCTE should be put to the burden of filing or defending proceedings before the Court for this purpose.

The respondents are directed to place this order before the Chairperson and the Member Secretary of the NCTE within one week. They are directed to ensure that necessary directions are issued to the regional committees within two weeks thereafter, so that the procedure outlined above is implemented.”

4. As far as Petitioner-institute is concerned, the Appellate Authority *vide* order dated 22nd October, 2021 accepted Petitioner-institute’s statutory appeal and remanded the matter back to ERC, directing that the withdrawal order dated 3rd September, 2021 be kept in abeyance till the final outcome. Subsequently, this Court *vide* order dated 1st April, 2022 in W.P.(C) 5451/2022 quashed the withdrawal order and observed that Petitioner-institute will be entitled to all benefits and be treated as a recognised institution as on date. Direction was also given to Respondents to take corrective action to reflect the current status of Petitioner-institute on their web portal.

¹ W.P.(C) 7260/2021.

5. Petitioner-institute's grievance is that such directions have not been complied with. The general directions issued by the Court *vide* order dated 30th July, 2021, have also not been complied with. Moreover, instead of complying with the said directions, Respondents issued the impugned show-cause notice dated 22nd April, 2022, wherein it has *inter alia* been observed as under:

“13. AND WHEREAS, institution submitted representation vide letter No.ACE/208/2022 dated 04.04.2022 received on 07.04.2022. The ERC in its 304th (Emergent) meeting held on 11th April, 2022 carefully considered the original file along with other related documents, NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, order dated 01.04.2022 in W.P. (C) 5451/2022 & CM APPL. 16256/2022 passed by the Hon'ble High Court of Delhi at New Delhi and representation from the institution in response to show cause notice and the Committee observed as under:

[...]

At this stage, the institution is not entitled to apply for counselling from the next academic session i.e. 2022-23 and the institution is also not permitted to take any fresh admission of students from the academic session 2022-2023 without clearance from ERC NCTE.”

14. AND WHEREAS, the Committee is of the opinion that the institution prima facie, does not fulfil the requirements, the norms and standards laid down by the NCTE in accordance with the provision of the NCTE Act, 1993 as detailed above.”

6. Further, Mr. Amitesh Kumar, counsel for Petitioner-institute, places reliance on an order passed by this Court in ***Chatta Primary Teachers Training Institute v. National Council for Teacher Education and Anr.***² wherein the Court had allowed the petition in similar facts and circumstances.

7. The Court find merit in the contentions advanced by Mr. Kumar. The

² W.P.(C) 8844/2022.

impugned decision prohibiting Petitioner-institute to admit students is in violation of the principles of natural justice and teeth of the order dated 1st April, 2022 passed by this Court as well as the general directions issued *vide* order dated 30th July, 2021 referred above.

8. In view of the above, the present petition is allowed and the show cause notice dated 22nd April, 2022 issued by ERC – to the extent it prohibits Petitioner-institute from applying for counselling and to take admissions from the academic session 2022-23 – is set aside.

9. The petition is allowed in the above terms and NCTE is directed to issue a restoration order *qua* Petitioner-institute's recognition. Petitioner-institute will be permitted to participate in counselling and admit students for the year 2022-23, and also for subsequent years, until and unless a fresh withdrawal order is passed against it. The status of Petitioner-institute as a recognised institution will also be reflected on Respondents website, and Respondents will intimate the same to Petitioner-institute's affiliating university as well as to the concerned departments of the respective State Government.

10. The petition stands disposed of in the above terms.

11. The above directions be complied with on or before 26th July, 2022.

12. A copy of this order be given *dasti* under the signature of the Court Master.

SANJEEV NARULA, J

JULY 21, 2022

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