

TO BE PUBLISHED IN GAZETTE OF INDIA
(EXTRAORDINARY)
PART-III, SECTION -4

Date. 23.08.2022

F.No ERCAPP1328/B.Ed/WB/2022/113247

ORDER

In terms of Section 14/15 of the NCTE Act, 1993, **Sundarban Minority B.Ed. College, Plot No.-1525, 1546, Vill.-Amtala Bazar, Post Office, Kumarjole, Tehsil/Taluka-Hatbhanga, Town/City-Minakhan, District-North 24 Parganas, West Bengal-743425** was granted recognition for B.Ed. course of one year duration with an intake of 100 students vide ERC Order No. ERC/7-160.6.3/NCTE/B.Ed./2013/20590 dated 31.08.2013 followed by revised recognition order for B.Ed. course of two years duration with an intake of 100 students (two basic units) from the academic session 2015-2016 vide order No.F:ERC/NCTE/ERCAPP1328/B.Ed.(Revised Order)/2015/32151 dated 26.05.2015 which was withdrawn under section 17 of NCTE Act, 1993 vide order No. ER-275.14.53/ERCAPP1328/B.Ed/2019/61481 dated 02.09.2019.

2. The institution aggrieved by the withdrawal order filled W.P.(C) 11923 /2022 & CM APPL. 35613/2022 before Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi has passed an order dated 17.08.2022. The operative part of order as under:-

" The present petition is allowed. Respondents are directed to issue a restoration order in terms of the directions of the Appellate Authority in the remand order within a period of two weeks from today. Respondents are also directed to display the name of Petitioner-College in the list/category of recognized institution along with the restoration order for conducting B.Ed course on their website. The same shall also be communicated to the affiliating university as well as the Department of Higher Education, Government of West Bengal to enable the Petitioner-College to participate in the counselling the admission process for the academic year 2022-23 and for subsequent years, unless a withdrawal order is passed".

3. In compliance of order dated 17/08/2022 passed by the Hon'ble High Court of Delhi in W.P.(C) 11923 /2022 & CM APPL. 35613/2022, the recognition granted to **Sundarban Minority B.Ed. College, Plot No.-1525, 1546, Vill.-Amtala Bazar, Post Office, Kumarjole, Tehsil/Taluka-Hatbhanga, Town/City-Minakhan, District-North 24 Parganas, West Bengal-743425** for B.Ed course vide above referred order with an annual intake of 100 students (two basic unit) is hereby restored.

By Order
(Ravindra Singh)
Regional Director

✓ The Controller of Publications,
Department of Publications (Government of India),
Ministry of Urban Development
Civil Lines, New Delhi-110054

--2

- 2 -

To,

The Principal/Correspondent,
Sundarban Minority B.Ed. College,
Plot No.-1525, 1546, Vill.-Amtala Bazar,
Post Office, Kumarjole, Tehsil/Taluka-Hatbhangha,
Town/City-Minakhan, District-North 24 Parganas,
West Bengal-743425

Copy to :-

1. The Secretary/Correspondent, Sunderban Educational Trust, Plot No. 1525, 1546, Street/Road- Deuli Road, Village- Amtala Bazar, Post- Kumarjole, Taluka- Hatbhangha, Distt- 24 Parganas, West Bengal- 743425.
2. The Secretary, Department of Higher Education, Govt of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake, Kolkata, West Bengal-700091.
3. The Registrar, West Bengal University of Teachers Training Education Planning and Administration, 25/2 and 25/3 Ballgunge Circular Road, Kolkata, West Bengal-700019.
4. The Director of Public Instruction, Govt of West Bengal, 6th Floor, Bikash Bhawan, Salt Lake City, Kolkata, West Bengal-700091.
5. The Secretary, Dept. of School Education and Literacy, Ministry of Education, Govt of India, Shastri Bhawan, New Delhi-110001.
6. The Under Secretary (IT), National Council for Teacher Education, G-7, Sector-10, Dwarka, New Delhi.

*44/5192
25/08/20*
Regional Director

\$~79

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

+ W.P.(C) 11923/2022 & CM APPL. 35613/2022

SUNDARBAN MINORITY B.ED COLLEGE & ANR. Petitioners

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

..... Respondents

Through: Mr. Rahul Madan, Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **17.08.2022**

1. Issue notice to the Respondents. Mr. Rahul Madan, Standing Counsel, accepts notice on behalf of Respondents.
2. Considering the nature of relief sought in the present petition, no counter affidavit is considered necessary and the present petition is taken up for disposal today itself.
3. The grievance of Petitioner-college is limited to the non-issuance of order of restoration for recognition of B.Ed. courses [*hereinafter*, "**restoration order**"]. Petitioner-college was granted recognition by the Eastern Regional Committee [*"ERC"*] *vide* order dated 31st August, 2013 which was subsequently revised on 26th May, 2015. *Vide* order dated 02nd September, 2019, Petitioner-college's recognition was withdrawn. The said withdrawal order was impugned before the Appellate Authority of National

Council for Teacher Education [“NCTE”] wherein *vide* order dated 31st January, 2022 [*hereinafter*, “**remand order**”], the withdrawal order was quashed and matter was remanded back to the ERC. The operative portion of the remand order reads as under:

“7. In the above circumstances, Appeal Committee decided to set aside the impugned order of withdrawal dated 03.09.2021 and remand back the case to ERC with a direction to revisit the matter by considering the documents submitted by the appellant in the appeal and take further necessary action with proper verification as per Regulations, 2014. The Appellant is directed to submit above documents to ERC within 15 days from the date of issue of order in appeal.”

4. Although the Appellate Authority clearly and unambiguously quashed the withdrawal order, however, to give effect to the orders of the Appellate Authority, the restoration order, which ought to have been issued by the Respondents’ administration within a period of two weeks from the date of order of remand (*i.e.*, 31st January, 2022), has not been done.

5. The grievance urged in the present petition is not a new one. On a previous occasion, *vide* order dated 30th July, 2021 in W.P. (C) 7260/2021, this Court while disposing of the said petition, took note of the lapse on the part of the NCTE and issued categorical directions to streamline the process of giving effect to the orders remanding the matters to the concerned regional committee(s) in the following words:

“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 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.

8. 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.”

6. It pains the Court to note that despite directions and procedure laid down by a co-ordinate Bench of this Court, lapses continue.

7. The present petition is allowed. Respondents are directed to issue a restoration order in terms of the directions of the Appellate Authority in the remand order within a period of two weeks from today. Respondents are also directed to display the name of Petitioner-college in the list/ category of recognised institutions along with the restoration order for conducting B.Ed. course on their website. The same shall also be communicated to the affiliating university as well as the Department of Higher Education, Government of West Bengal to enable the Petitioner-college to participate in the counselling and admission process for the academic year 2022-23 and for subsequent years, unless a withdrawal order is passed.

8. Further, Respondents are directed to file an affidavit of compliance enclosing therewith documents to evidence that the directions of this Court in the order dated 30th July, 2021 have been implemented. Let the same be filed within a period of two weeks from today.

9. The present petition is disposed of, along with all other pending application(s).

10. List for compliance on 20th September, 2022.

SANJEEV NARULA, J

AUGUST 17, 2022

d.negi