

F.No.ERCAPP73/B.Ed./JH/2022/66029

Dated: 27-07-2022

To,

The Principal/Correspondent,
Shahid Sheikh Bhikari College of Education
Plot No. 1508, Street No. Shutiyambe
Village- Shutiyambe, Post- Pithoria
Tehsil/Taluka- Kanke
Distt- Ranchi, Jharkhand-834014

Sub: Compliance of the order dated 25.07.2022 passed by Hon'ble High Court in W.P. (C) 11060/2022 & CM APPL 3239/2022 filed by Shahid Sheikh Bhikari College of Education & Another -reg.

Sir/Madam,

Please refer to order dated 25.07.2022 in W.P. (C) 11060/2022 & CM APPL. 3239/2022 passed by Hon'ble High Court of Delhi in r/o Shahid Sheikh Bhikari College of Education in reference to the Show Cause Notice dated 24.05.2022 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 24th May, 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. Needless to say, Petitioner- institute shall now be permitted to participate in the counselling and admit students for the year 2022-23 and also for subsequent years until a withdrawal order is passed against it. Which would be given effect to in terms of proviso to Section 17 of the National Council for Teacher Education Act, 1993. The status of Petitioner-institute shall be reflected as a recognised institution on Respondents' website, and Respondents shall 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 25.07.2022 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by Hon'ble High Court of Delhi it is clarified that the recognition of the said college for B.Ed course has not been withdrawn by ERC till date.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, HRD Department, Govt. of Jharkhand, MDI Bhawan, Dhurwa, Ranchi, Jharkhand- 834001.
2. The Registrar, Ranchi University, Shaheed Chowk, Ranchi, Jharkhand- 834001.
3. IT consultant, ERC, for uploading this letter on NCTE/ERC website

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

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Email : erc@ncte-india.org | Website : www.ncte.gov.in

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11060/2022 & CM APPL. 32391/2022 (*for interim directions*)

SHAHID SHEIKH BHIKARI COLLEGE OF EDUCATION & 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**
25.07.2022

1. With the consent of the counsel for the parties, the present petition is taken up for disposal today itself.
2. Issue notice. Mr. Rahul Madan, Standing Counsel for Respondents, accepts notice.
3. Petitioner impugns the show-cause notice dated 24th May, 2022 issued by the Eastern Regional Committee ("ERC") to the limited extent that Petitioner-institute has been directed not to apply for counselling and admit students for the academic session 2022-23 without clearance from ERC/ NCTE.

4. Petitioner-institute was granted recognition by the ERC *vide* order dated 17th May, 2012. Revised recognition was granted to Petitioner-institute on 30th May, 2015.
5. The impugned show-cause notice dated 24th May, 2022 issued by the ERC, *inter alia*, holds as under:

“4. AND WHEREAS, ERC in its 305th (Virtual) meeting held on 28th April, 2022 while considering visiting team report in respect of the same institution applied for grant of recognition/ permission to D.El.Ed. course the committee made following observations:

[...]

In view of the above, the committee decided that Show Cause Notice under Section 17(1) of the NCTE Act, 1993 be issued to the institution, recognized for B.Ed. Course (Code No. ERCAPP73), to submit their reply along with supporting documents accompanied with notarized affidavit on Rs.100/- Non- judicial stamp paper by the management within 21 days from the date of issue of show cause notice before committee takes a decision for withdrawal of recognition as per provisions of NCTE Act, 1993. At this stage, the institution is not entitled to apply for counselling from the next academic session i.e. 2022-2023 and the institutions is also not permitted to take any fresh admission of students for B.Ed. course from the academic session 2022-2023 prior to clearance from ERC NCTE. A copy of the Show Cause Notice be endorsed to the concerned State Govt. and affiliating body.”

6. Now therefore, the institution is required to submit the individual representation/ compliance accompanied with an affidavit on Rs. 100/- non-Judicial stamp paper by the authorised representative of the management. The representation along with an affidavit must reach this office within the time specified at the end.”

6. Mr. Amitesh Kumar, counsel for Petitioner-institute, places reliance on order dated 1st June, 2022 passed by this Court in ***Chatta Primary Teachers Training Institute v. National Council for Teacher Education***

*and Anr.*¹ and order dated 21st July, 2022 passed in *Al-Momin College of Education v. National Council for Teacher Education and Anr.*² wherein the Court has allowed the petition in similar facts and circumstances.

7. The Court finds merit in the contentions advanced by Mr. Kumar that the impugned decision prohibiting Petitioner-institute to admit students at the stage of show-cause notice itself is in violation of the principles of natural justice and is therefore unsustainable.

8. In view of the above, the present petition is allowed, and the show cause notice dated 24th May, 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. Needless to say, Petitioner-institute shall now be permitted to participate in the counselling and admit students for the year 2022-23 and also for subsequent years until a withdrawal order is passed against it, which would be given effect to in terms of proviso to Section 17 of the National Council for Teacher Education Act, 1993. The status of Petitioner-institute shall be reflected as a recognised institution on Respondents’ website, and Respondents shall intimate the same to Petitioner-institute’s affiliating university as well as to the concerned departments of the respective State Government.

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

10. The above directions be complied with on or before 30th July, 2022.

SANJEEV NARULA, J

JULY 25, 2022/as

¹ W.P.(C) 8844/2022.

² W.P.(C) 10957/2022.