

\$~20 (2021 Cause List)

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

+ W.P.(C) 6637/2021 with CM APPL. 20865/2021

SURJU SINGH MEMORIAL
COLLEGE OF EDUCATION

..... Petitioner

Through: Mr. Sanjay Sharawat, Advocate

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

..... Respondents

Through: Ms. Kartika Sharma, Advocate
with Mr. Udian Sharma, Advocate

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
16.07.2021

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

1. Issue notice. Ms. Kartika Sharma, learned counsel, accepts notice on behalf of the respondents. The petition is taken up for disposal with the consent of learned counsel for the parties.
2. The petitioner was granted recognition by the Western Regional Committee ["WRC"] of the National Council for Teacher Education ["NCTE"] for establishing its B.Ed. course on 28.10.2006. At the time, the petitioner was operating its institution from leased premises.
3. Pursuant to notification of the NCTE Regulations, 2014 ["2014 Regulations"], the petitioner was issued a revised recognition order dated

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04.08.2015, which required it to submit certain documents. The petitioner claims to have sought permission of the NCTE to shift to its own premises by a communication dated 24.10.2018, which however, is not available with the petitioner.

4. On 06.02.2020, the WRC issued a show cause notice to the petitioner. In the said show cause notice, reference was made to an earlier show cause notice dated 17.03.2017, alleging non-compliance with the conditions of the revised recognition order. The petitioner submits that it complied with requirements of the show cause notice dated 06.02.2020, under cover of a letter dated 28.02.2020.

5. By a further notice dated 30.09.2020, the petitioner was required to show cause as to why the recognition granted to it should not be withdrawn in view of a decision taken by the WRC at its meeting on 27-28.08.2020 and 04.09.2020, whereby show cause notices were to be issued to several institutions, which had neither shifted to their own premises, nor applied for such permission, pursuant to the 2014 Regulations.

6. It is undisputed that the petitioner did not respond to the aforesaid show cause notice within the period of 30 days granted thereunder. According to the petitioner, all the four trustees of Gautam Educational Trust, under which the petitioner is established, are members of the same family and were suffering from COVID-19 at the time. For this reason, the petitioner claims that the aforesaid show cause notice came to the attention of the trustees only on 18.10.2020.

7. Be that as it may, the WRC at its meeting on 9-11.11.2020 took a decision to withdraw the recognition of the petitioner on the ground that it

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had not shifted to its own premises and had not submitted a reply to the show cause notice dated 30.09.2020. The impugned withdrawal order dated 20.12.2020 was issued by WRC pursuant to this decision.

8. The petitioner challenged the withdrawal order by way of an appeal under Section 18 of the NCTE Act, 1993. In the appeal, the petitioner submitted that its trustees were infected with COVID-19 and were, therefore, unable to respond to the show cause notice dated 30.09.2020. It was also submitted that a reply to the show cause notice had been sent on 22.12.2020 and the petitioner also sought to rely upon its earlier application for shifting of the institution to its own premises.

9. The Appellate Committee, by the second impugned order dated 04.06.2021, rejected the petitioner's contention. It observed that the regulatory file does not contain the petitioner's application dated 24.10.2018 for shifting of the premises, or any other correspondence in this regard. The Appellate Committee has affirmed the view taken by the WRC on the ground that the prior approval of the NCTE for change of premises had not been obtained, and the show cause notice dated 30.09.2020 had also not been answered.

10. I have heard Mr. Sanjay Sharawat, learned counsel for the petitioner, and Ms. Sharma for the respondents.

11. As noted above, the impugned orders proceed on the ground that the prior approval of the Regional Committee for change of premises had not been obtained, and the show cause notice dated 30.09.2020 had not been duly answered. The ground regarding non-shifting of the premises is the ground upon which the show cause notice was issued. Because of the petitioner's failure to respond to the notice, the issue has been decided

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against it without considering the validity of the petitioner's case on merits. This failure was occasioned by the fact that all the trustees were suffering from COVID-19 at the relevant time, which has been substantiated by medical records in the present case. This was also placed before the Appellate Committee. In the present pandemic, I am of the view that these circumstances ought to have led the Appellate Committee to a more sympathetic consideration. In the interests of justice, the Appellate Committee ought to have extended the time for submission of the reply to the show cause notice.

12. The respondents have also not made out the factual basis that they had issued two show cause notices with regard to the alleged default as required by the Standard Operating Procedure in cases of withdrawal of recognition. The order of this Court dated 17.12.2020 in W.P.(C)10518/2020 [*Dr. D.S. Aher College of Education vs. National Council for Teacher Education & Anr.*] cited by Mr. Sharawat is relevant on this point.

13. For the aforesaid reasons, the impugned orders dated 20.12.2020 of the WRC and 04.06.2021 of the Appellate Committee are set aside, and the matter is remanded to the WRC for a fresh consideration. The petitioner may submit a response to the show cause notice dated 30.09.2020 within thirty days from today. The WRC will thereafter proceed to consider the petitioner's application in accordance with law.

14. In view of the fact that impugned withdrawal order passed by the WRC dated 20.12.2020 has been set aside by virtue of this order, it is made clear that the petitioner is entitled to continue as a recognised institution until the WRC considers the application afresh. The NCTE

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will, therefore, restore the petitioner's status as a recognised institution, and issue an order of restoration of recognition within one week. It will also reflect the petitioner's status on its website and communicate the same to the affiliating university and to the concerned State Government for necessary action.

15. The petition, alongwith pending application, stands disposed of in the terms aforesaid.

PRATEEK JALAN, J

JULY 16, 2021

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September 21, 2021

ORDER

Pursuant to the directions of Hon'ble High Court of Delhi in WP(C) No. 6637/2021, Surju Singh Memorial College of Education v/s NCTE & ANR, this WRC is restored by this order of recognition dated today i.e. 21/09/2021 granting recognition to the petitioner college. By way of this letter, it is also clarified that the withdrawal order dated 20/12/2020 of WRC is not valid. The petitioner college namely Surju Singh Memorial College of Education is therefore a recognised institution until the WRC considers the application afresh.

Copy of order dated 16/07/2021 passed is enclosed WP(C) No. 6637/2021 by Hon'ble High Court of Delhi.

Akhil
21/9/2021

(Dr. Akhil Kumar Srivastava)
(Regional Director)