

F.No. WRC/NCTE/APW01817/123264/B.ED./MH/2021/218051+0 218055 Date: 26/10/21

To,

The Registrar,
SWAMI RAMANAND TEERTH
MARATHWADA UNIVERSITY,
DNYANTEERTH, VISHNUPURI,
NANDED-431603 MAHARASHTRA.

Sub: The institution be permitted to take part in Counseling for the academic session 2021-2022
-Regarding.

Sir/ Madam,

S.No.	Name of the Institutions	File No.	Course	Units	Affiliating Body	Remarks
1.	MANVENDRA KENDRA COLLEGE OF EDUCATION (B.ED), JALKOT TQ. JALKOT, DIST. LATUR, (MAHARASHTRA)	WRC/NCTE/ APW01817/ 123264/B.E D./MH/2021 /	B.Ed	100	SWAMI RAMANAND TEERTH MARATHWADA UNIVERSITY, DNYANTEERTH, VISHNUPURI, NANDED-431603 MAHARASHTRA	W.P. (C) 11787/2021, CM APPL. 36495/2021 (exemption) and W.P. (C) 11787/2021 and CM APPL. 36494/2021 (ad-interim directions).

Yours faithfully

olc


(DR. AKHIL KUMAR SHRIVASTAVA)
REGIONAL DIRECTOR

Copy to:-

1. THE PRINCIPAL, MANVENDRA KENDRA COLLEGE OF EDUCATION (B.ED), JALKOT TQ. JALKOT, DIST. LATUR, (MAHARASHTRA)
2. THE DIRECTOR, HIGHER EDUCATION, CENTRAL BUILDING, PUNE-411001 MAHARASHTRA.
3. THE SECRETARY, JIJAMATA BAHUDESHEIYA SHIKSHAN PRASARAK MANDAL, POST PATODA, TA JALKOT, LATUR-413514, MAHARASHTRA.
4. IT WRC, NCTE
5. OFFICE FILE- F.No. WRC/NCTE/APW01817/123264/B.ED./MH/2021/

12-22
116
\$~209 (2021 Cause List)

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

+ W.P.(C) 11787/2021

MANVENDRA KENDRE BED COLLEGE Petitioner
Through: Mr. Kunal Jaiman, Advocate.

versus

NATIONAL COUNCIL FOR
TEACHER EDUCATION & ANR. Respondents
Through: Mr. Jai Sahai Endlaw and
Mr. Ashish Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
12.10.2021

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

CM APPL. 36495/2021 (*exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 11787/2021 & CM APPL. 36494/2021 (*ad-interim directions*)

1. Issue notice. Mr. Jai Sahai Endlaw, learned counsel, accepts notice on behalf of the respondents.
2. The petitioner challenges an order dated 28.08.2021, by which the Western Regional Committee ["WRC"] of the National Council for Teaching Education ["NCTE"] has confirmed its earlier order dated 14.12.2020, withdrawing the recognition granted to the petitioner for its

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B.Ed course.

3. The earlier withdrawal order dated 14.12.2020, was confirmed by the WRC in the impugned order dated 28.08.2021. However, it does not appear from the record that the petitioner was subjected to an earlier order of withdrawal dated 14.12.2020. Mr. Kunal Jaiman, learned counsel for the petitioner, and Mr. Endlaw, submit that this may be a typographical error in the impugned order.

4. The petitioner was granted recognition on 22.07.2005, and a revised recognition order was issued on 31.05.2015, pursuant to the notification of the NCTE (Recognition Norms and Procedure) Regulations, 2014. The recognition was withdrawn by an order dated 03.09.2019 passed by the WRC of the NCTE, against which the petitioner appealed to the Appellate Committee of the NCTE under Section 18 of the NCTE Act, 1993. The Appellate Committee, by an order dated 15.07.2020, confirmed the withdrawal order of the WRC. The petitioner challenged the order of the Appellate Committee before this Court in W.P.(C) 5002/2020, which was disposed of by an order dated 13.10.2020 in the following terms:-

“2. Learned counsel for the petitioner states that he has filed an additional affidavit whereby he has placed on record the approved staff profile of the petitioner institution for the year 2015-16 and also for the year 2019-20. He states that these are duly approved by the concerned affiliating university.

3. In these facts and circumstances, the matter is remanded back to WRC to reconsider the case of the petitioner as per law taking into account the documents which have been filed in this court.

4. In the meantime, as the withdrawal order is

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operative from the end of the next academic year namely end of 2020-21, the petitioner is permitted to participate in the counselling for the present academic year.

5. *The respondent will take appropriate steps including correction on the website and appropriate intimation to the concerned department of higher education, State of Maharashtra and to the concerned affiliating university. Needful be done within three days.*

6. *The WRC is free to deal with the case of the petitioner uninfluenced by any observations made by this court."*

5. The petitioner filed a further writ petition [W.P.(C) 4630/2021] against a communication dated 09.01.2021 which stated that the withdrawal order would take effect from the academic session 2021-22. In the said writ petition, this Court passed the following order on 13.04.2021:-

"5. Having heard learned counsel for the parties, I am of the view that the appropriate course, in the facts and circumstances of the present case, is to direct the WRC to dispose of the petitioner's pending application expeditiously, so that its status for the academic session 2021-22 and subsequent academic years is determined prior to commencement of counselling. The relevant observations in the order dated 13.10.2020 are as follows: -

"2. Learned counsel for the petitioner states that he has filed an additional affidavit whereby he has placed on record the approved staff profile of the petitioner institution for the year 2015-16 and also for the year 2019-20. He states that these are duly approved by the concerned affiliating university.

3. In these facts and circumstances, the matter is remanded back to WRC to reconsider the case of the petitioner as per law taking into account the documents which have been filed in this court.

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4. In the meantime, as the withdrawal order is operative from the end of the next academic year namely end of 2020- 21, the petitioner is permitted to participate in the counselling for the present academic year.

5. The respondent will take appropriate steps including correction on the website and appropriate intimation to the concerned department of higher education, State of Maharashtra and to the concerned affiliating university. Needful be done within three days.

6. The WRC is free to deal with the case of the petitioner uninfluenced by any observations made by this court.”

6. In view of the fact that the schedule of counselling in the State of Maharashtra for year 2021-22 has not yet been released, suffice it to say that, in the event the proceedings pursuant to remand culminate in an order in favour of the petitioner, it will be entitled to participate in counselling for year 2021-22 and subsequent academic years.

7. The WRC is directed to take up the petitioner’s application and dispose of the same at its very next meeting and, in any event, no later than three weeks from today. This order be communicated by learned counsel for the parties to the petitioner’s affiliating university as well as to the concerned department of the Government of Maharashtra. Similarly, the WRC will communicate its decision on the petitioner’s application to the affiliating university and to the Government of Maharashtra immediately upon the decision being taken.

8. It is made clear that the timeline contained in this order is peremptory, and the WRC is directed to follow the aforesaid schedule scrupulously. In the event there is any delay in the disposal of the proceedings, it is for the WRC to approach this Court for an extension of time, and the petitioner’s case for interim orders will be reconsidered in the light of the submissions of the WRC. The petitioner will also be at liberty to seek appropriate orders in such

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circumstances.”

6. The impugned order dated 28.08.2021 records that the matter was considered by the WRC at its 339th meeting on 28-30.07.2021, where it was decided as follows:-

“The original file of the Institution, order of the Hon’ble Court along-with other related documents were carefully considered and examined by WRC in the light of NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and the following observation were made:

- 1. The recognition of the institution was withdrawn by WRC as per the decision of WRC in 310th meeting held on 19th-21st August, 2021.*
- 2. The Institution approached the Hon’ble High Court of Delhi and as per the directions of the Hon’ble Court in W.P. No. 5002/2020 dated 13.10.2020, the institution was permitted to participate in counselling for the academic session 2020-21.*
- 3. The institution has further approached the Hon’ble High court of Delhi and the Hon’ble Court in W.P. No. 4630/2021 has passed an order dated 13.04.2021 The WRC considered the order of the Hon’ble Court in W.P. No. 4630/2021 alongwith the original file of the institution and observed the following:-*
 - a. The institution has submitted only the scanned copy of staff list, wherein the stamp and signature of Registrar has been affixed only on last page.*
 - b. The institution has not submitted the Change of Land Use Certificate, Non Encumbrance Certificate, Building Plan and Building Completion Certificate, as asked for in the Show Cause Notice.*

In view of the above, the Committee decided that the decision for withdrawal taken by WRC in its 310th meeting and intimated to the institution vide dated 03rd September,

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2019 stands.”

7. Although the order of this Court dated 13.04.2021 made it clear that the petitioner’s application was to be taken up and disposed of at the very next meeting of the WRC, and no later than three weeks from the date thereof, it is evident from the impugned order that this was not done. In paragraph 8 of the order, it was clarified that the timelines contained therein were peremptory, and that the WRC will be required to approach the Court for extension of time in the event it was unable to dispose of the proceedings within the said time period. Despite these directions, the application was not disposed of, and the WRC also did not approach this Court for extension of time.

8. Mr. Jaiman contends that between 13.04.2021 and July, 2021 there were two meetings of the WRC which were held, but the petitioner’s application was not taken up. This is a very distressing state of affairs, where it appears that clear and peremptory orders of the Court were not complied with. By the order dated 13.04.2021, the WRC was expressly directed to approach the Court in the event of delay in following the timeline laid down by the Court, which was also not done. It is difficult to contemplate the circumstances which may have prevented the WRC from even making an application to the Court in terms of the said order. The approach appears *prima facie* to be in contumacious disregard of the Court’s orders.

9. In these circumstances, although the impugned order dated 28.08.2021 is appealable, it is necessary to protect the interests of the petitioner in this petition under Article 226 of the Constitution of India.

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Had the WRC complied with the timeline laid down in the order dated 13.04.2021, the petitioner would have had a chance of preferring its appeal prior to the counselling for the year 2021-22. As things stand today, counselling for the academic year 2021-22 has already commenced, and the petitioner is being subjected to the belated order of the WRC.

10. For the aforesaid reasons, while the petitioner is at liberty to file its appeal before the Appellate Committee within two weeks from today, in the meanwhile, the petitioner will be entitled to participate in counselling, and admit students for the academic year 2021-22. The WRC is directed to reflect the status of the petitioner as a recognised institution for the academic year 2021-22 on its website, and also communicate the same to the petitioner's affiliating University and the concerned State Government within one week from today.

11. Having regard to the apparent non-compliance of the order of this Court dated 13.04.2021, the Regional Director of the WRC is directed to file an affidavit explaining the position, so that the Court may consider whether to institute further proceedings in this regard. Affidavit be filed within three weeks.

12. List on 08.12.2021.

PRATEEK JALAN, J

OCTOBER 12, 2021

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