

(2010) 06 UK CK 0139
In the Uttarakhand High Court

Aarti Charitable Educational Trust and Roorkee Degree College	APPELLANT
Vs	
State of Uttarakhand and Others	RESPONDENT

Date of Decision : 14-06-2010

Acts Referred:

Citation : (2010) 06 UK CK 0139

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.S. Verma, J.—Heard Learned Counsel for the parties and perused the record.

2. By means of this writ petition, the petitioners have sought a writ in the nature of certiorari quashing the decision taken by Northern Regional Committee in its 147th meeting held on 16th-17th August 2009, conveyed through order dated 9th September 2009 (Annexure No. 7), order dated 4th December 2009 (Annexure-9) and the order dated 12th April 2010 (Annexure-10) passed by the appellate authority regarding de-recognition of the petitioner No. 2.

3. A notice was issued to the petitioner by respondent No. 3 National Council for Teachers Education to show cause as to why the recognition of the college to conduct B.Ed. course on account of the deficiencies noted in the notice (Annexure No. 4). In reply, objection has been filed and the petitioners have annexed documents in support of their version. According to the petitioners, the documents filed by the petitioners were not considered by the N.C.T.E. while passing the order impugned, whereby the recognition of the petitioners' institution for conducting B.Ed. course has been withdrawn by the Northern Regional Committee-respondent No. 3. Subsequently, the order dated 9-9-2009 was modified by the respondent No. 3 (Annexure No. 9). The petitioners preferred an appeal against the aforesaid order before the National Council for Teacher Education. The appellate authority affirmed the order dated 4-12-2009 passed by the Northern Regional Committee, by its order dated 12-4-2010, therefore, this

writ petition has been filed.

4. A counter affidavit has been filed on behalf of respondent No. 3 and 4. In the counter affidavit stand has been taken by the N.C.T.E. that the recognition of the petitioners was withdrawn on the basis of report of visiting team, who conducted the inspection of the college, but there is no averment to this effect that the objections filed by the petitioners had been considered while withdrawing the recognition by the Northern Regional Committee.

5. I have heard Learned Counsel for the parties and perused the averments made in the memo of writ petition, the counter affidavits filed on behalf of the parties, the rejoinder affidavit and also gone through the orders impugned in this writ petition.

6. Undisputedly, the recognition was withdrawn by the Regional Director, Northern Regional Committee vide order dated 9-9-2009 on the basis of the report of visiting team and it reveals from the order impugned that the objection and the annexures in support of the objection filed by the petitioners were not considered. The authority ought to have considered the objections before passing the impugned order. Moreover, at the time of inspection, the petitioners' Managing Director was not present in the college and no opportunity was available to the petitioners to explain the things at the time of inspection by the visiting team.

7. A perusal of the record shows that detailed objection was filed along with supporting documents along with its annexures, but the appeal of the petitioners has been dismissed summarily without considering the objection and supporting documents filed by the petitioners.

8. In the above facts and circumstances of the case, it would be in the fitness of things as well as in the interest of justice to quash the impugned orders and to remand the matter to respondent No. 3. The writ petition deserves to be allowed.

9. The writ petition is allowed. The impugned orders are quashed. The matter is remanded to the respondent No. 3-N.C.T.E. to consider the case afresh and after considering the objections and the supporting documents filed by the petitioners to pass reasoned order afresh. It will be open to the respondent No. 3 to inspect the petitioners' college again for its satisfaction and to verify the averments made in the objections, after giving information to the petitioners, if it feels it necessary. Costs easy.