

(2019) 09 DEL CK 0436

In the Delhi High Court

Case No : Civil Writ Petition No. 10441 Of 2019, Civil Miscellaneous Application
No. 43124 Of 2019

Harsh Shiksha Avam Samaj Kalyan Samiti And Anr

APPELLANT

Vs

National Council For Teacher Education And Anr

RESPONDENT

Date of Decision : 25-09-2019

Acts Referred:

Citation : (2019) 09 DEL CK 0436

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : Amitesh Kumar, Arunima Dwivedi, Preeti Kumar Nanda

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

1. Issue notice.

2. Mr. Arunima Dwivedi accepts notice for the respondents.

3. Ms. Dwivedi says that she would argue the matter on the basis of record presently available with the Court.

3.1 Given this position, with the consent of counsel for parties, matter is taken up for final disposal.

4. Via this petition, the challenge is laid to the order dated 4.9.2019 passed by the Western Regional Committee (in short "WRC") of the National Council for Teacher Education (in short "NCTE").

5. By virtue of this order, recognition given to the petitioner No.2 institute for intake of 100 students in B.Ed. course has been withdrawn. The reason given in the show cause notice (SCN) is as follows:

(i) First, that the reply to the SCN dated 12.9.2016 was not filed within the

stipulated timeframe. It is noted that the reply was received by the WRC only on 7.11.2016.

(ii) Second, the petitioners had not submitted approved staff profile in original and also not submitted FDR in sum of Rs.4 lakhs.

6. A perusal of the SCN dated 12.9.2016 would show that there is no reference of the FDR.

7. Furthermore, it is the case of the petitioners that with their reply dated 25.10.2016, a copy of the FDR, approved staff profile, apart from other documents such as building plan certificate, etcetra were furnished. In this behalf, my attention has been drawn to Annexure P-8 containing the reply dated 25.10.2016. This document is appended at page 131 of the paper book. The translated copy is available at page 134 of the paper book.

8. Clearly, in this case, the WRC has taken the impugned decision qua the matters which were not the subject matter of the SCN dated 12.9.2016. As noticed above, in the SCN, there is no reference to the FDR. As a matter of fact, only 21 days were given to the petitioners to file a reply and not 30 days as is mentioned in the impugned proceedings.

9. Besides this, along with reply dated 25.10.2016, the petitioners claim that they had furnished the copies of the documents referred to in the impugned order apart from other documents.

10. Given these circumstances, to my mind, the best way forward would be to set aside the impugned order dated 4.9.2019. It is ordered accordingly.

11. The WRC will reexamine the case of the petitioners. The petitioners will furnish to the WRC in original the documents referred to in the impugned order. The WRC will be at liberty to serve upon the petitioners a written communication seeking documents apart from those which are already mentioned in SCN.

12. Before adjudicating upon the SCN, the WRC will grant a personal hearing to the representatives of the petitioners. Thereafter, the WRC will pass a speaking order. A copy of the same will be furnished to the petitioners.

13. In case the final determination made by the WRC is against the interest of the petitioners, they will have liberty to assail the same as per law.

14. The captioned petition is disposed of in the aforementioned terms.

15. Consequently, the pending interlocutory application shall stand disposed of.