
(2013) 09 RAJ CK 0073

In the Rajasthan High Court

Case No : Civil Writ Petition No. 11245 of 2010

Mahabalidani Panna Dhy Mahila T.T. College and Another

APPELLANT

Vs

NCTE and Others

RESPONDENT

Date of Decision : 27-09-2013

Acts Referred:

Citation : (2013) 09 RAJ CK 0073

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : P.S. Bhati, for the Appellant; G.R. Punia, Sr. Advocate-AAG assisted by Mr. Mahendra Choudhary, P.R. Singh and Mr. Kuldeep Mathur, for the Respondent

Final Decision : Dismissed

Judgement

Vijay Bishnoi, J.—This writ petition has been preferred by the petitioners, while assailing the validity of the orders dated 08.10.2010, 03.11.2010 and 25.11.2010, whereby the Northern Regional Committee of National Council for Teachers Education (for short "the NCTE" hereinafter) has confirmed the order dated 21.09.2010 withdrawing the recognition of the petitioner-institution for conducting B.Ed. Course. The learned counsel for the NCTE has put in appearance and raised preliminary objections that against the order dated 21.09.2010 withdrawing the recognition of the institution for conducting B.E. Course passed by the NCTE and the order dated 03.11.2010, the petitioner-institution is having an alternate and efficacious remedy of filing statutory appeal as envisaged u/s 18 of the National Council for Teachers Education Act, 1993 (for short "the Act of 1993" hereinafter).

2. The learned counsel for the respondent-NCTE has submitted that the Hon'ble Supreme Court in Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P. and Others, has held that in the matter of recognition, Courts should not interfere and the aggrieved party should avail the remedy of statutory appeal only.

3. At this stage, learned counsel for the petitioners wants to withdraw this writ petition with liberty to file an appeal u/s 18 of the Act of 1993 against the impugned orders.

4. Learned counsel for the petitioners further states that though the petitioner-Institution is disputing the fact of existence of deficiencies as pointed out by the respondent-NCTE while withdrawing the recognition of the petitioner-Institution for running B.Ed. Course but if the petitioner-Institution rectifies the said deficiencies and points out before the appellate authority, the appellate authority shall also take into consideration the said contention of the petitioners.

5. Learned counsel for the petitioners also prayed that a direction may be issued to the appellate authority that if the petitioner-Institution file appeal as aforesaid, the same may be treated within limitation and be decided within fixed time.

6. Needless to say that if the petitioner-Institution point out before the appellate authority about the rectification of the deficiencies as pointed out by the NCTE, the appellate authority is bound to consider the said contention of the petitioner-Institution in accordance with law.

7. In view of the above, this writ petition preferred by the petitioner-Institution is dismissed as withdrawn with liberty to the petitioner-institution to file the appeal against the impugned order u/s 18 of the Act of 1993. It is expected that if any such appeal is preferred by the petitioner-institution within 90 days, the limitation prescribed for filing appeal u/s 18 of the Act of 1993 from the date of this order, the appellate authority shall decide the same on merits without going into the technicalities of limitation. It is also expected from the appellate authority to decide the appeal expeditiously, preferably within six months from the date of filing of such appeal. However, it is made clear that the interim order passed this Court on 02.12.2010 shall remain in currency till the disposal of the appeal, if so filed by the petitioner-institution.