

**(2014) 01 MP CK 0078**

**In the Madhya Pradesh High Court**

**Case No : Writ Petition No. 21467 of 2013**

Rajeev Gandhi College

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

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**Date of Decision : 20-01-2014**

**Acts Referred:**

National Council for Teacher Education Act, 1993 — Section 14(5) 17 18

**Citation : (2014) 01 MP CK 0078**

**Hon'ble Judges : Rohit Arya, J; Krishn Kumar Lahoti, J**

**Bench : Division Bench**

**Advocate : Manoj Sharma, for the Appellant; Piyush Dharmadhikari, GA for State and Shri K.K. Singh, for the Respondent**

**Final Decision : Disposed Off**

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## **Judgement**

1. This petition is directed against an order dated 14.10.2013 Annexure P/5 by which a conditional order was passed against the petitioner directing the petitioner to comply with Clause 8(5) of the NCTE Regulations, 2009, failing which recognition of the petitioner shall be treated as withdrawn. This order is u/s 17 of the NCTE Act, against which an appeal lies u/s 18 of the said Act. The Apex Court in Adarsh Shiksha Mahavidyalaya and Others Vs. Subhash Rahangdale and Others, has specifically directed that "any institution aggrieved by the decision of the Western Regional Committee to reject the application for recognition or for permission to start a new course or training or withdrawal of recognition u/s 17 shall be free to avail the remedy of appeal u/s 18 of the 1993 Act".

2. Considering aforesaid, this petition without availing such statutory remedy by filing an appeal cannot be entertained. At this stage, this petition is not maintainable and accordingly, we dispose of this petition with liberty to the petitioner to file an appeal u/s 18 of the NCTE Act within a period of 30 days from today. If any such appeal is filed within a period of 30 days from today, the appellate authority shall entertain and decide the appeal in accordance with law

and shall not dismiss it on the question of limitation.

3. At this stage, Shri Manoj Sharma, learned counsel for petitioner has submitted that aforesaid recognition has been withdrawn with retrospective effect, which is not permissible u/s 14(5) of the NCTE Act. The petitioner shall be free to raise 20.1.2014 this question before the appellate authority and the appellate authority while deciding the appeal shall look into this aspect.

4. With this aforesaid liberty, this petition is disposed of finally, with no order as to costs. C.C. as per rules.