

Gyanoday Shiksha Samiti And Anr Vs National Council For Teacher Education And Anr

Court: Delhi High Court

Date of Decision: Sept. 25, 2019

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. In the instant petition, challenge is laid by the petitioners to the decision taken by the Western Regional Committee (in short "WRC") of the

National Council for Teacher Education (in short "NCTE") in its 310th Meeting held between 19th to 21st August, 2019.

5. By virtue of the impugned decision, the WRC has withdrawn the recognition given to petitioners conducting B.Ed. course.

6. A perusal of the impugned decision discloses that the withdrawal of the recognition order is based on the following reasons:

(i) The show cause notice (SCN) dated 26.7.2016 did not receive any reply within the prescribed time frame i.e. 30 days. The reply to the SCN,

according to the impugned order, was received by the WRC on 13.10.2016.

(ii) The petitioners had failed to furnish staff profile for approved intake and had not furnished in original the Building Completion Certification and

CLU. Furthermore, it is also mentioned in the impugned order that the building plan was not submitted.

7. The stand of the petitioners is that the documents referred to above were furnished along with reply dated 5.10.2016. It is, in fact, emphasized that

insofar as staff profile was concerned, it was submitted in original.

8. Insofar as the CLU and Building Completion Certificate was concerned, copies of the same were supplied as the petitioners were not informed that

these documents had to be furnished in original.

9. Clearly, in this case, while there was a delay in filing the reply to the SCN, the documents viz. copies of CLU and Building Completion Certificate

stand supplied.

10. Insofar as staff profile is concerned, the same had been furnished in original. It appears that these aspects had not been taken into account. 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.

11. Furthermore, to my mind, if certain documents were required in original, the WRC should have called for the same.

12. Thus, in my view, best way forward would be to set aside the impugned decision and direct the WRC to reexamine the issue.

13. Accordingly, the impugned decision is set aside. The WRC is directed to reexamine the issue in the light of the SCN dated 26.7.2016 issued by it

and the reply filed by the petitioners.

14. In case, the WRC requires documents other than those mentioned hereinabove, it will issue a written communication to the petitioners. The

communication will also indicate as to whether or not the documents sought for are to be furnished in original.

15. The WRC will accord personal hearing to the authorized representatives of the petitioners before passing the final order qua the aforementioned

SCN. The final order will be a speaking order. The WRC will furnish a copy of the same to the petitioners. In case the final decision taken by the

WRC is adverse to the interest of the petitioners, they will have liberty to assail the same as per law.

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

17. Consequently, the pending interlocutory application shall stand closed.