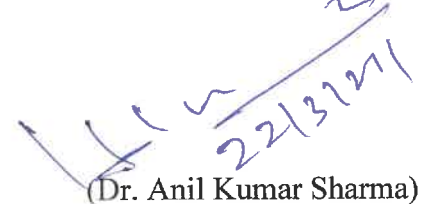


F.No.NCTE/ERC/APP7-2012/B.Ed/2021/ 6870 Date:- 22<sup>nd</sup> March, 2021

**Maryada Purushotam College of Education**, Plot No. – 1245, 1246, 1247, 1248, Vill/PO –  
Chilhari, Tehsil/Taluka – Dumraon, Town/City – Buxar, Dist – Buxar, Bihar – 802101  
(B.Ed.) (ERCAPP7/2012)

As per Hon'ble High Court of Delhi order dated 08.03.2021 passes in W.P.C No. 588/2021, the Hon'ble High Court directs "The respondents will treat the petitioner as a recognised institution. Necessary modifications be made to the respondents' website, and communications be sent to the affiliating university of the petitioner, as well as to the concerned State Government."



22/3/21

(Dr. Anil Kumar Sharma)

**Regional Director**

Dr. A. K. SHARMA

Regional Director

Eastern Regional Committee

National Council for Teacher Education

15, Neelkhanth Nagar, Nayapalli,

Bhubaneswar-751102

**Copy to:-**

1. The Registrar, Aryabhatta Knowledge University, A.N.Sinha Institute of Social Studies Campus (West), North Gandhi Maidan, (Near D.M.Residence), Patna, Bihar-800001.
2. The Director, Department of Secondary Education, Govt. Bihar, New Secretariat, VikasBhawan, Patna, Bihar-800015.

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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 588/2021 & CM APPL. 1513/2021

MARYADA PURUSHOTAM COLLEGE  
OF EDUCATION

..... Petitioner

Through: Mr. Mayank Manish and Mr. Ravi  
Kant, Advocates.

versus

NATIONAL COUNCIL FOR TEACHER  
EDUCATION AND ANR

..... Respondents

Through: Mr. Akshay Chandra, Standing  
Counsel with Mr. Ravjyot Singh,  
Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**08.03.2021**

The proceedings in the matter have been conducted through video conferencing.

1. Although the respondents had earlier sought time to file a counter affidavit, the counter affidavit has not been filed. It does not appear to be necessary to await the counter affidavit. Mr. Ravjyot Singh, learned counsel for the respondents, states that he has received instructions from the respondents. He has made his submissions on the basis of those instructions.

2. The petitioner has challenged an order dated 07.10.2020, by which the petitioner's recognition for its B.Ed. course was withdrawn by the

Eastern Regional Committee (“ERC”) of the National Council for Teacher Education (“NCTE”), and an order dated 21.12.2020 of the Appellate Committee of the NCTE, rejecting the petitioner’s appeal against the aforesaid order.

3. The petitioner was originally granted recognition for the B.Ed. course on 24.02.2014. A revised recognition order dated 20.05.2015 was also issued by the ERC under the NCTE Regulations, 2014. The ERC thereafter served a show cause notice dated 15.05.2018 upon the petitioner, alleging non-compliance with certain conditions of the revised recognition order. The petitioner claims to have replied to the show cause notice on 04.06.2013 alongwith the requisite documents. According to the petitioner, the reply was sent through speed-post on 04.06.2018, and also by e-mail on the same date. The relevant documents have been placed on record alongwith the writ petition. A second show cause notice dated 28.01.2020 was thereafter issued to the petitioner by the ERC, to which the petitioner replied on 14.02.2020. In the reply of the petitioner, the petitioner drew the attention of the ERC to the fact that the earlier show cause notice had been responded to. However, the ERC took a decision at its meeting on 17-18.09.2020 to withdraw the recognition granted to the petitioner.

4. The aforesaid decision of the ERC was challenged before this Court in W.P.(C) 7771/2020. The petition was ultimately withdrawn on 16.10.2020 with liberty to challenge the withdrawal order by way of an appeal before the Appellate Committee of the NCTE. The petitioner filed its appeal on 21.10.2020, and submitted the relevant documents before the Appellate Committee. However, the Appellate Committee has

rejected the petitioner's appeal by the second impugned order on 21.12.2020.

5. In the order of the ERC dated 07.10.2020, the ERC has noted that the petitioner claimed to have submitted a reply to the show cause notice dated 15.05.2018. However, upon finding that the petitioner had not submitted reply to the second show cause notice dated 28.01.2020, the ERC decided to withdraw the petitioner's recognition on the following grounds: -

- “i. Original list of teaching faculty duly signed by the concerned affiliating body is not submitted.*
- ii. Original Building Plan (BP) duly signed by the competent authority is not submitted.*
- iii. Building Completion Certificate (BCC) duly signed by the competent authority is not submitted.*
- iv. Original FDRs of Rs. 5 lakh and Rs. 7 lakh is not submitted.*
- v. Certified copy of Fire Safety Certificate duly signed by the Govt. competent Authority is not submitted.*
- vi. Website of the institution is not functional as per clause 7 (14)(i) of the NCTE Regulation, 2014.”*

6. When the matter was carried in appeal, the Appellate Committee noted as follows:-

*“ AND WHEREAS the Committee noted from the file of the ERC that a Show Cause Notice was issued to the appellant institution on 15/05/2018 pointing out deficiencies in the documents. The appellant was directed to submit their reply in PDF format through email and hard copy of the same through Speed Post or by hand within 21 days. As no reply was received, ERC issued a final Show Cause Notice on 28/01/2020. The appellant replied on 14/02/2020 stating that they had sent a reply to the Show Cause Notice dt. 15/05/2018 on 04/06/2018, which was not considered by the*

*ERC before issuing the final Show Cause Notice dt. 28/01/2020. The ERC, in their letter dt. 06/03/2020, asked the appellant to submit a duplicate copy of their reply submitted against the Show Cause Notice dt. 15/05/2018. The appellant has not replied to the letter. However, the appellant with their appeal enclosed a copy of their reply dt. 04/06/2018, with which some documents were sent. A Speed Post receipt dt. 04/06/2018 has been copied on this letter. This reply is not found in the file of the ERC.*

*AND WHEREAS during the course of appeal hearing on 03/12/2020 appellant was asked to show evidence to establish that appellant institution had required number of faculty appointed with the approval of affiliating body. The Committee noted that the reply of the appellant to the first Show Cause Notice is not available in the file of the ERC. The appellant, had also not responded to the ERC's letter dated 06/03/2020 calling for a duplicate copy of the reply. Although the appellant has now furnished list of faculty, Building Completion Certificate, Building Plan, FDRs and printout of its website, yet it is observed that all the faculty is shown appointed on 12/10/2020. Appellant did neither give any satisfactory reply with regard to faculty appointed prior to October, 2020 nor was willing to support proof of remittance of salary into the accounts of staff and faculty as required under Clause 10(2) of NCTE Regulations, 2014.*

*AND WHEREAS Appeal Committee keeping in view the facts of the case, decided to confirm the impugned order of withdrawal dated 07/10/2020*

*AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned order of withdrawal dated 07/10/2020.”*

7. It appears from a perusal of the aforesaid order of the Appellate Committee that the Committee has proceeded on the basis that the

petitioner herein did not submit a reply to the show cause notices issued by the ERC. Although the Appellate Committee notes that the petitioner had enclosed a copy of its reply dated 04.06.2018 and documents enclosed therewith, as well as a speed post receipt with regard to dispatch of the same, the ERC had proceeded on the basis that the reply was not found in the file of the ERC. The Appellate Committee has further noted that the petitioner has since furnished the list of faculty, Building Completion Certificate, Building Plan, FDRs and printout of its website to the Appellate Committee, but has refused to consider the same on the ground that all the faculty was appointed only on 12.10.2020. The Appellate Committee noted that the petitioner had not submitted proof of remittance of salaries of the staff and faculty as required under Clause 10(2) of the NCTE Regulations, 2014.

8. In my view, the order of the Appellate Committee, proceeding on this basis, is unsatisfactory. As far as the reply to the show cause notices is concerned, the Appellate Committee has failed to consider the case of the petitioner only on the ground that the documents were not available in the file of the ERC. The Appellate Committee is not justified in relying solely upon the state of the record as maintained by the respective regional committees. The evidence of submission of the replies to the show cause notices placed by the petitioner was also required to be dealt with in some manner. In any event, as the petitioner had filed copies of the requisite documents before the Appellate Committee, the Appellate Committee ought to have considered the same. It is the consistent view of this Court in several judgments and orders, including *inter alia* the decision of this Court in *Asha Devi Mahavidyalaya & Anr. vs. National*

*Council for Teacher Education and Anr.* [W.P.(C)9744/2020, decided on 03.12.2020], that materials placed before the Appellate Committee prior to disposal of the appeal ought to be considered by it.

9. Having regard to all the aforesaid factors and to the fact that the matter would have to be reconsidered at the level of the ERC rather than the Appellate Committee, the impugned orders dated 07.10.2020 and 21.12.2020 are quashed, and the matter is remanded back to the ERC for fresh consideration of the petitioner's application, in accordance with law. The respondents will abide by the Standard Operating Practices issued by them in this regard. The process be completed within 10 weeks from today. In the event the petitioner is required to submit any further clarification or document, the respondents will give them an opportunity to do so.

10. Until disposal of petitioner's application, pursuant to this order, the respondents will treat the petitioner as a recognised institution. Necessary modifications be made to the respondents' website, and communications be sent to the affiliating university of the petitioner, as well as to the concerned State Government.

11. The petition stands disposed of in these terms, alongwith the pending application.

**PRATEEK JALAN, J**

**MARCH 8, 2021**

*vp*