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

+ W.P.(C) 12716/2022

MANDSAUR INSTITUTE OF PHYSICAL EDUCATION

..... Petitioner

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

versus

**NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR.**

..... Respondents

Through: Mr. Rahul Madan, Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.09.2022

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1. Issue notice to the Respondents. Mr. Rahul Madan, Standing Counsel, accepts notice on behalf of Respondents.
2. Considering the nature of relief sought in the present petition, no counter affidavit is deemed necessary, and with the consent of the counsel for the parties, the present petition is taken up for disposal today itself.
3. The grievance of Petitioner-college is limited to the non-issuance of restoration order for recognition of B.P.Ed. course. Petitioner-college was granted recognition by the Western Regional Committee [**“WRC”**] *vide* order dated 29th July, 2008. Thereafter, pursuant to the NCTE (Recognition Norms and Procedure) Regulations, 2014, a revised recognition order dated 20th May, 2015 was issued to Petitioner-college. Subsequently, on account of non-reply to Show-Cause Notice dated 1st February, 2017, which

Petitioner-college is stated to have never received, the recognition of Petitioner-college was withdrawn by WRC *vide* order dated 23rd January, 2019. The withdrawal order was impugned before the Appellate Authority, wherein *vide* order dated 3rd June, 2019 [*hereinafter*, “**remand order**”], the matter was remanded back to WRC to consider the matter afresh, the operative portion whereof, reads as under:

“AND WHEREAS the appellant institution in its submission made before Appellate Authority denied having received the S.C.N. Appellant submitted before Appeal Committee list of faculty approved by Mandsour University for the years 2016-17, 2017-18 and 2018-19. Appeal Committee further noted appellant's submission with regard to other land and building documents. Appeal Committee having noted that appellant institution is recognised for conducting B.P.Ed. programme since 2008 decided that appellant is required to submit a comprehensive reply to S.C.N. and furnish all relevant documents to WRC within 15 days of the issue of appeal order. On receipt of the lists of faculty and other required land and building documents, WRC shall revisit the case and take appropriate decision afresh.

AND WHEREAS after perusal of the memoranda of Appeal, affidavit, document on record and oral arguments advanced during the hearing, Appeal Committee concluded that appellant is required to submit a comprehensive reply to S.C.N. and furnish all relevant documents to WRC within 15 days of the issue of appeal order. On receipt of the lists of faculty and other required land and building documents, WRC shall revisit the case and take appropriate decision afresh.

NOW THEREFORE, the Council hereby remands back the case of Mandsaur Institute of Physical Education, MIIT Campus, Mandsaur, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.”

[emphasis supplied]

4. In order to give effect to the above directions, restoration order ought to have been issued by Respondents within a period of 15 days from the date of remand order (i.e., 3rd June, 2019) in terms of directions issued by a Coordinate Bench of this Court in ***Arihant College & Anr. v. National Council***

*for Teacher Education & Anr.*¹

5. For the foregoing reason, the petition is allowed. Respondents are directed to issue a restoration order in terms of the directions of the Appellate Authority within a period of two weeks from today. Respondents are also directed to display the name of Petitioner-college in the list/category of recognised institutions for conducting B.Ed. course on their website. The same shall also be communicated to the affiliating university as well as the Department of Higher Education, Government of Madhya Pradesh to enable the Petitioner-college to participate in counselling and admission process for academic year 2022-23 and for subsequent years, unless a withdrawal order is passed.

6. The present petition is disposed of, along with all other pending application(s).

SANJEEV NARULA, J

SEPTEMBER 2, 2022

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¹ W.P. (C) 7260/2021 dated 30th July, 2021.