

F.No.ERC/NCTE/APE00298/B.Ed/2022/66350

Dated: 23.08.2022

To,

The Principal/Correspondent,
Parijat Academy Teacher Education Institution,
Milan Nagar, 'O' Lane,
Dibrugarh, Assam-786003.

Sub: Compliance order passed by Hon'ble High Court in W.P. (C) 11864/2022 & CM APPL. 35433/2022 filed by Parijat Academy Teacher Education Institution.

Sir/Madam,

I am to say that the recognition granted to **Parijat Academy Teacher Education Institution, Milan Nagar, 'O' Lane, Dibrugarh, Assam-786003** for B.Ed. course was withdrawn by ERC vide order No. ER-279.12/APE00298/B.Ed./2020/62417 dated 26.02.2020.

2. The institution had filed a Writ Petition No. 11864/2022 & CM APPL. 35433/2022 before the Hon'ble High Court of Delhi against the Withdrawal Order dated 26.02.2020 passed by ERC. The Hon'ble High Court passed an Order dated 17.08.2022 with the following direction:

8(a) *The Respondents shall update the status of the Petitioner-institute on its web portal within a period of one week from today and send an intimation in respect thereof to the affiliating university of Petitioner-institute and the concerned Department of Higher Education to enable Petitioner-institute to participate in the counseling and admission process for the B.Ed. course for the academic session 2022-23, and subsequent academic sessions, unless a withdrawal order is passed.*

3. In compliance of above Hon'ble High Court Order dated 17.08.2022, it is clarified that the institute is entitled to participate in counselling and admit students for the academic session 2022-23.

Yours faithfully,

(Rayindra Singh)
Regional Director

Copy to:-

1. The Secretary / Corresspondent, Kesew Charitable Trust, J.P. Nagar, Town-Dibrugarh, Dist.- Dibrugarh, Assam.
2. The Registrar, Dibrugarh University, Dibrugarh, Assam – 786004.
3. IT consultant, ERC, for uploading this letter on NCTE/ERC website.

\$~70

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11864/2022 & CM APPL. 35433/2022**
PARIJAT ACADEMY TEACHER EDUCATION INSTITUTION

..... Petitioner
Through: Mr. Avijit Roy, Mr. Bhaskar Baruah
and Mr. Sunil Kr. Sharma, Advocates.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ORS.

..... Respondents
Through: Ms. Aakanksha Kaul, Mr. Aman
Sahani, Mr. Manek Singh and Ms.
Divita Dutta, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
17.08.2022

1. Issue notice. Ms. Aakanksha Kaul, counsel for Respondents, accepts notice. Considering the nature of the relief sought, counter affidavit is not necessary and the petition is taken up for disposal today itself.
2. The recognition granted to the Petitioner-institute on 23rd November, 2005 by the Eastern Regional Committee ["ERC"] was subsequently withdrawn *vide* order dated 26th February, 2020. This withdrawal order was challenged by Petitioner-institute before the Appellate Authority of National Council for Teacher Education ["NCTE"]. The Appellate Authority disposed the said appeal *vide* order dated 19th November, 2020 [*hereinafter*, "**remand order**"], and remanded the matter back to ERC for fresh consideration. The operative portion of the said order reads as follows:

Validity unknown

Digitally Signed
By: SAPNA SETHI
Signing Date: 16.08.2022
20:45:03

“AND WHEREAS after perusal of the Memoranda of Appeal, affidavit. documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for revisiting the matter.

NOW THEREFORE, the Council hereby remands back the case of Parijat Academy Teacher Institution, West Milan Nagar, C.R. Building, Dibrugarh, Assam to the ERC, NCTE, for necessary action as indicated above.

The above decision is being communicated on behalf of Appeal Committee.”

3. Since the ERC was not deciding the matter despite clear directions given by the Appellate Authority, Petitioner-institute approached the High Court of Gauhati by way of W.P. (C.) 1303/2021 titled as **Arati Konwar v. The State of Assam and Ors.** The writ petition was disposed of *vide* order dated 25th February, 2021 wherein, taking note of the contentions of Petitioner-institute, the ERC was directed to ensure compliance with the remand order. The Court further directed that no coercive action shall be taken against Petitioner-institute against its functioning and recognition for B.Ed. course.
4. Despite the said directions, the recognition status of Petitioner-institute was not updated on the web portal of NCTE, which has resulted in uncertainty for the students who are currently enrolled in Petitioner-institute. Be that as it may, ERC has issued a final show-cause notice dated 29th April, 2021 to which Petitioner-institute submitted a reply dated 2nd July, 2021. The same was impugned before the High Court of Gauhati *vide* W.P.(C) 2947/2022, but the said petition was subsequently withdrawn.
5. Petitioner-institute's limited grievance is that it is unable to

participate in counselling and admit students since academic session 2021-22, notwithstanding the orders referred above in its favour.

6. The above predicament of Petitioner-institute arises on account of absence of clarity in the remand order. Although Petitioner-institute's matter has been remanded back to the ERC, there is no specific direction of quashing the withdrawal order dated 26th February, 2020. In the opinion of the Court, since the Appellate Authority declared the Petitioner-institute to be a recognised institution, and remanded the matter to the ERC (original committee/authority), the withdrawal order ceased to have effect from the date of the remand order.

7. Nonetheless, since the matter is yet to be considered afresh by the ERC in terms of the directions of the Appellate Authority as well as the High Court of Gauhati, a clarification is necessary *qua* the withdrawal order. Accordingly, it is clarified that the withdrawal order dated 26th February, 2020 passed by the ERC, stood quashed from the date of remand.

8. The present petition is allowed and disposed of with the following directions:

(a) The Respondents shall update the status of the Petitioner-institute on its web portal within a period of one week from today and send an intimation in respect thereof to the affiliating university of Petitioner-institute and the concerned Department of Higher Education to enable Petitioner-institute to participate in the counselling and admission process for the B.Ed. course for the academic session 2022-23, and subsequent academic sessions, unless a withdrawal order is passed.

(b) The ERC shall decide Petitioner-institute's application in terms of

the directions of the Appellate Authority and the High Court of Gauhati within a period of six weeks from today.

9. It is clarified that the Court has not expressed any opinion on the merits of the case. All rights and contentions of the parties are left open.

10. Accordingly, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

AUGUST 17, 2022/as

Validity unknown

Digitally Signed
By: SAPNA SETHI
Signing Date: 14.08.2022
20:45:03