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

+ LPA 559/2022

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

..... Appellants

Through: Mr. Balbir Singh, ASG with Mr. Govind Manoharan, Mr Naman Tandon, Ms. Anu Sura, Ms. Diksha Tiwari and Mr. Apurva Singh, Advocates.

versus

SPRIHA SHIKSHA EVAM KALYAN SAMITI & ANR.

..... Respondents

Through: Mr. Amitesh Kumar, Ms. Priti Kumari and Mr. Mrinal Kishor, Advocates.

+ LPA 561/2022

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

..... Appellants

Through: Mr. Balbir Singh, ASG with Mr. Govind Manoharan, Mr Naman Tandon, Ms. Anu Sura, Ms. Diksha Tiwari and Mr. Apurva Singh, Advocates.

versus

MALABAR TEACHER TRAINING INSTITUTE Respondent

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

06.04.2023

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CM APPL. 14408/2023 in LPA 559/2022

CM APPL. 14422/2023 in LPA 561/2022

1. These applications have been filed on behalf of the Respondents for recall of the Order dated 18.11.2022 passed by this Court in a batch of appeals i.e., LPA 507/2022, LPA 559/2022 and LPA 561/2022.
2. This Court on 31.01.2023 has passed the following Order in LPA 507/2022:

“CM APPL. 4532/2023

1. This is an application on behalf of the Respondent for recall of the Order dated 18.11.2022 passed by this Court in LPA 507/2022. The Order dated 18.11.2022 read as under:-

“1. The instant Appeals have been filed by the National Council for Teacher Education (NCTE) challenging the Judgment dated 24.08.2022 passed by the learned Single Judge in a batch of writ petitions with the lead petition being W.P.(C) 2813/2021.

2. The learned Single Judge by the Judgment impugned herein has allowed the writ petitions and directed the Appellant herein to open the online portal within two weeks of the judgment as well as to accept and process in a timely manner the applications filed by the Writ Petitioners therein for conducting new teaching courses for the Academic Session 2023-24.

3. Briefly stated, the facts leading to the present appeals are as follows:-

i. The Writ Petitioners i.e. the Respondents herein, are educational institutions, who impart teacher training education in the country.



ii. *The Appellant/ National Council for Teacher Education (NCTE) has been established under the National Council for Teacher Education Act, 1993. The object of bringing out the legislation was for the establishment of NCTE with a view to achieving planned and coordinated development of teacher education system throughout the country and for regulation of proper maintenance of norms and standards in the teacher education system including qualifications of school teachers and for the matters connected therewith.*

iii. *The grievance of the Respondents herein was that the Appellant herein is not accepting the new applications from Academic Sessions 2017-18 given by the institutions for want of recognition to the institutions to start conducting various courses for imparting teacher education.*

iv. *As stated earlier, the learned Single Judge by the Judgement impugned in the instant appeals held that the action of the Appellant herein refusing to accept and process the applications violates the rights of the institutions under Article 19(1)(g) of the Constitution of India and the restrictions imposed by the Appellant in not accepting the applications filed by the Writ Petitioners cannot be treated as a law imposing reasonable restrictions under Article 19(6) of the Constitution of India.*

4. *In the instant appeals, the thrust of the arguments of the Appellant is that actions have been taken by the Appellants for achieving the National Education Policy, 2020 (NEP-2020). For this purpose, the Appellant has filed a number of documents before this Court which have not been filed before the learned*



Single Judge. It has also been contended that for the purpose of achieving a planned and coordinated development for teacher education throughout the country, it is not necessary to pass a law because a reading of the Preamble read with Sections 3, 12, 14, 15, 29 and 30 of the NCTE Act, the NCTE is well within its powers to stop accepting the applications and, in fact, it is bound to implement the policy of the Central Government.

5. It is seen that the arguments as advanced before this Court and the documents which have placed before this Court have not been filed before the learned Single Judge and this Court feels that for a proper appreciation of the issue that is being canvassed, it is necessary that all these documents are placed before the learned Single Judge first so that authoritative and comprehensive pronouncements can be passed by the learned Single Judge.

6. Confronted with this, both the parties have agreed that it will be proper for the Appellant to file a review petition placing all the documents before the learned Single Judge and raise grounds which were not initially pleaded before the learned Single Judge. This Court is aware that the issues which were being raised before this Court would actually amount to enlarging the scope of review but it is expedient in the interest of justice that the Appellants are permitted to place all the documents and raise the grounds not raised earlier before the learned Single Judge by filing a review petition so that the learned Single Judge can once again look into the issue.

7. Resultantly, the Appellants are permitted to withdraw the instant LPAs with the permission to file a review petition before the learned Single Judge.



8. *Since the Appellants are not accepting the applications for permission to conduct the courses for the last four years, the learned Single Judge is requested to dispose of the review petition as expeditiously as possible.*

9. *The appeals are disposed of with these observations, along with all the pending applications.”*

2. *Mr. Balbir Singh, learned ASG, and Mr. Sanjay Sharawat, learned Counsel for the Applicant/Respondent, in unison, contend that there is ambiguity regarding the issue as to whether the learned Single Judge could re-hear the entire matter or should he confine himself to the new documents which have been permitted to be filed since this Court has not set aside the Judgment dated 24.08.2022, passed by the learned Single Judge in W.P.(C)2813/2021. Both parties represent that in order to avoid this controversy and in order to give finality to the entire issue it would be expedient in the interest of justice that this Court itself decides the appeal on merits.*

3. *Learned Counsel for the Respondents submit that they have no objection if the additional documents filed by the Appellant are accepted by this Court.*

4. *In the interest of justice and in view of the joint request made by learned Counsel for the parties, this Court is inclined to accede to the prayer made by both sides to recall the Order dated 18.11.2022.*

5. *Resultantly, the application is allowed. LPA 507/2022 is restored to its original number.*

6. *The application is disposed of.”*

3. The abovementioned Order dated 31.01.2023 passed by this Court in LPA 507/2022 shall be applicable *mutatis mutandis* in the present cases as



well. Resultantly, the Order dated 18.11.2022 is hereby recalled. The LPA 559/2022 and LPA 561/2022 are restored in their original number.

4. The applications are disposed of.

LPA 559/2022 & LPA 561/2022

List on 11.04.2023.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

APRIL 06, 2023

S. Zakir