Signature Not Verified
Signed By:RAM DATT
Signing Date:30.09.2024 17:08
Certify that the digital and physical file have been compared and the digital data is as per the physical file and no page is missing.

$~12, 25 to 32, 34, 37 to 44, 83 to 88 & 92

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

\+ **W.P.(C) 4414/2015 & CM 8026/2015, W.P.(C) 3733/2015, W.P.(C) 3735/2015, W.P(C) 3736/2015, W.P.(C) 3741/2015, W.P.(C) 3790/2015, W.P.(C) 3810/2015 & CM 6818/2015, W.P.(C) 3813/2015, W.P.(C) 3817/2015, W.P.(C) 4581/2015, W.P.(C) 4761/2015, W.P.(C) 4762/2015, W.P.(C) 4767/2015, W.P.(C) 4769/2015, W.P.(C) 4783/2015, W.P.(C) 4787/2015, W.P.(C) 4792/2015, W.P.(C) 4793/2015, W.P.(C) 2518/2015, W.P.(C) 3338/2015, W.P.(C) 3343/2015, W.P.(C) 3351/2015, W.P.(C) 3353/2015, W.P.(C) 3366/2015, W.P.(C) 5033/2015**

Through: Mr Dinesh S. Badiar and Mr Vikas Kumar, Advocates for petitioner in Item No.12.
Mr Sanjay Sharawat and Mr Ratish Kumar, Advocate for petitioner in Item Nos. 25 to 29, 34, 31, 32, 37 to 44, 83 to 88 & 92.
Mr Subhasish Mohanty, Advocate for petitioner in Item No.30.
Mr Arjun Harkauli with Mr Satyawan Shekhawat, Advocates for respondents in all items.
Mr Anil Soni, Advocate for NCTE, Standing Counsel for R-1 & 2 in Item Nos. 34, 37 to 44.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 19.05.2015

The petitioners have filed the above petitions challenging the return of the applications for recognition of D.El.Ed. Course. Admittedly, the National Council for Teacher Education (NCTE) had issued a public notice inviting fresh applications from institutions desiring to seek recognition for teacher training courses for academic year 2013-14. Pursuant to the

aforesaid public notice, the petitioners had filed their applications. These applications were returned pursuant to a general direction issued by a communication dated 20.03.2013.

The petitioners also impugned the aforesaid communication dated 20.03.2013 as contrary to the National Counsel for Teacher Education Act, 1993 and the Rules and Regulations made thereunder.

The aforesaid communication was the subject matter of challenge before this Court in ***Divine Mission Society (Regd.) v. National Council for Teacher Educaiton and Anr.*: W.P.(C) 2889/2013** and other connected matters, which were disposed of by a Coordinate Bench of this Court by an order dated 24.11.2014. The NCTE's communication dated 20.03.2013 was set aside and this Court held as under:-

> "6. This Court is of the view that after filing of an application, an institution is legally entitled to have it processed by the statutorily designated authority strictly in accordance with the statutorily prescribed procedure. The input of the State Government as a stake holder under the current rules is certainly relevant but it cannot be accepted as 'gospel truth' and that too, without giving an opportunity of hearing to the petitioners.
>
> 7. Keeping in view the aforesaid as well as the judgment/orders of the Madhya Pradesh and Punjab & Haryana High Courts as well as the order dated 10th September, 2013 passed by Supreme Court in SLP No. 4247-4248/2009, present writ petitions are disposed of with a direction that the petitioners shall apply afresh in accordance with new regulations, if required and the same shall be considered by the NCTE/NRC for the year 2015-16, in accordance with new regulations which are to be notified in compliance with the directions of the Supreme Court. If any deficiency is found, the same shall be communicated to the

> petitioners, who shall remove the deficiency within the given time. In case, the deficiencies are removed within the given time, the application shall be processed in accordance with Rules and Regulations. If the deficiencies are not removed, the applications shall stand rejected. With the aforesaid observations, the present batch of writ petitions is disposed of but without any order as to costs."

Concededly, the applications filed by the petitioners had been rejected pursuant to the communication dated 20.03.2013 and in the circumstances, the orders rejecting/returning their applications are liable to be set aside.

This Court has also disposed of several matters by an order dated 09.01.2015 whereby it was directed that the applications filed by the petitioners be considered for the academic year 2015-16.

The learned counsel appearing for NCTE does not dispute that the order of Regional Committees rejecting/returning the applications filed by the petitioners is unsustainable. He, however, submits that there is an excess capacity for conducting D.El.Ed. Course in the State of Haryana and certain other States and, therefore, no applications have been invited for recognition of the said course for the academic year 2015-16 or 2016-17. He further submits that in the circumstances no relief ought to be granted to the petitioners.

It is relevant to note that petitions filed by the several petitioners who were placed in a similar position as the petitioners in this case, have been allowed without any such objection by the NCTE. In several cases, NCTE had requested that due to paucity of time the relief to the petitioners in those cases be molded to allow NCTE to process their application for the academic year 2016-17. In the circumstances, the petitioners cannot be treated

differently. It is also relevant to note that the applications filed by the petitioners were pursuant to a public notice issued by NCTE on 26.11.2012 inviting such applications.

In the circumstances, the plea that the petitioners should await till further applications are invited cannot be sustained. The petitions are, accordingly, allowed. However, NCTE cannot be directed to process petitioners' applications for the academic session 2015-16. Accordingly, it is directed that the applications filed by the petitioners be reconsidered for the academic session 2016-17 in accordance with law. The petitioners are directed to resubmit their applications alongwith the requisite fees on or before 31.05.2015 for being considered for the academic session 2016-17.

The petitions are disposed of with the aforesaid direction.

VIBHU BAKHRU, J

MAY 19, 2015
RK