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

+ W.P.(C) 5927/2015 and CM Appl. 10736/2015

SMD GIRLS COLLEGE OF EDUCATION Petitioner
Through: Mr. Sanjay Sharawat and Mr. Ritish
Kumar, Advocates.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ORS Respondents
Through: Mr. Rohit Gandhi, Advocate.

AND

+ W.P.(C) 5940/2015 and CM Appl. 10763/2015

L R SEHRAWAT COLLEGE OF EDUCATION Petitioner
Through: Mr. Sanjay Sharawat and Mr. Ritish
Kumar, Advocates

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondents
Through: Mr. Rohit Gandhi, Advocate.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
02.12.2015

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1. In pursuance of the applications made by the petitioners herein seeking recognition for the B.Ed. course from the Academic Session

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2013-14, the Northern Regional Committee, National Council for Teacher Education decided to issue Letters of Intent (LOI) under Clause 7(13) of the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 (for short 'Regulations') and required the petitioners to appoint the faculty and submit the faculty list after getting the same approved by its affiliating body. Accordingly, the petitioners appointed the faculty and the same was duly approved by the Affiliating University. The petitioners submitted the approved faculty list and the other supporting documents for consideration by the Northern Regional Committee (NRC) and issuance of the orders of recognition. However, the petitioners were informed by NRC that in the 236th Meeting held from 29th-30th April, 2015 and 1st-2nd May, 2015, it was decided by NRC to cancel the LOIs granted to the petitioners and to issue show-cause notices to the petitioners calling for explanation since the documents submitted by them in respect of the land revealed that the said land is on private lease which is impermissible under the provisions of the Regulations. Immediately thereafter, the Trust which sponsored the petitioner in W.P.(C) No.5927/2015 executed a sale deed and transferred the title of the land which was earlier leased out and the said fact was informed to NRC. However, in the 238th Meeting held from 20th-31st May, 2015, it was decided by NRC not to accept the request of the petitioner in W.P.(C) No.5927/2015 on the ground that on the date of application the petitioner was not holding the title to the land in question.

2. Similarly, the petitioner in W.P.(C) No.5940/2015 had also rectified the deficiencies pointed out by NRC in the 236th Meeting and submitted the documents. However, NRC failed to respond. Hence, these two writ

petitions.

3. We have heard the learned counsel for both the parties.

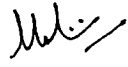
4. Though the prayer in both the writ petitions included a declaration that Regulation 8(4)(i) of the Regulations, 2014, to the extent it makes a distinction between the land on private lease and the land on Government lease, is ultra vires Section 14 of National Council for Teacher Education Act, 1993 (for short 'the Act') and is liable to be struck down, it is submitted by the learned counsel for the petitioners that the said prayer is not pressed. Hence, the only other issue that requires consideration is whether the decision of NRC to cancel the LOI granted to the petitioners is sustainable.

5. Though the said decision is assailed in the petitions on various grounds, the learned counsel for the respondents at the outset has pointed out that against the impugned decision of NRC under Section 14 of the Act, an alternative remedy of appeal is available under Section 18 of the Act and without exhausting the said alternative remedy the petitioners cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

6. In the light of the scheme of the Act, we find force in the submission of the learned counsel for the respondents and we consider it appropriate to relegate the petitioners to the remedy of statutory appeal. Accordingly, without expressing any opinion on merits of the case, we dispose of both the writ petitions granting liberty to the petitioners to prefer an appeal to the "National Council for Teacher Education" as provided under Section 18 of the Act against the impugned decisions of NRC. If any such appeal is preferred within one week from today, the same shall be considered and disposed of by the respondent No.1 following due process of law within six weeks thereafter.

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7. The writ petitions as well as all the pending applications stand disposed of accordingly.


CHIEF JUSTICE


JAYANT NATH, J

DECEMBER 02, 2015/rb