

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-214-LPA-2016;
CM-3479-LPA-2015 in/and
LPA No.1623 of 2015 (O&M)
Date of Decision: 12.07.2016**

Sardar Patel Education Trust

... Appellant

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE DARSHAN SINGH**

Present: Mr. Keshav Pratap Singh, Advocate for the appellant

Ms. Palika Monga, DAG Haryana

Mr. AS Virk, Advocate for Kurukshetra University

Mr. Ashish Rawal, Advocate for NCTE

SURYA KANT, J. (Oral)

CM-214-LPA-2016

Allowed as prayed for. Documents (A1 & A2) are taken on record.

CM stands disposed of.

CM-3479-LPA-2015

For the reasons mentioned in the application, the same is allowed and the delay of 9 days in re-filing the appeal is condoned.

CM stands disposed of.

LPA No.1623 of 2015 (O&M)

(1) The instant Letters Patent Appeal is directed against the order dated 17.08.2015 whereby learned Single Judge has dismissed the appellant's writ petition in which it laid challenge to the order dated 26.03.2015 passed by the Northern Regional Committee of NCTE rejecting

its application for grant of recognition for B.Ed. Course on the ground that

the institution did not possess any land on ownership basis as on the date of the application.

(2) Learned Single Judge has also dismissed the writ petition *in limine* for the same reason after making reference to the 2009 Regulations whereunder the institution is required to be in possession of requisite land.

(3) When this appeal came up for preliminary hearing on 16.11.2015, the following order was passed:-

“Learned counsel for the appellant inter alia contends that at the time of submitting the application for grant of recognition for running B.Ed Courses, the appellant Trust was not owner of the land but was in possession of the same. However, in terms of the Supreme Court order dated 10.09.2013 (Annexure P-21), a circular (Annexure P-22), has been issued by the Northern Regional Committee of the National Council for Teacher Education (NCTE). It is inter alia stated therein that the applications which are pending, were proposed to be processed as per the provisions of the revised NCTE Regulations, 2014. The appellant-Trust gave its necessary consent on 15.01.2015 (Annexure P-23). In the meantime, the appellant-Trust had purchased the land vide sale deed dated 22.03.2013, besides, mutation had also been sanctioned. The appellant Trust is now in possession of the land as owner. Therefore, according to the learned counsel, the appellant-Trust fulfills the necessary condition of being owner in

possession of the land, where the institute is running. It is submitted by the learned counsel that he shall place on record the copies of the sale-deed dated 22.03.2013 and mutation thereof.

May do so by the adjourned date.

Issue notice of motion to the respondents for 14.12.2015.”

(4) We have heard learned counsel for the parties and gone through the record.

(5) In view of the undeniable fact that the appellant-Trust has become owner of the requisite land by way of Gift Deed (and not sale deed) dated 22.03.2013 and the gifted land has since been mutated in its name, it appears that the solitary reason which led to dismissal of the writ petition *in limine* no longer survives.

(6) For the same reason, we allow the appeal; set aside the order dated 17.08.2015 and remit the case to learned Single Judge to decide the same afresh.

(7) Parties are directed to appear before the learned Single Judge on 01.08.2016.

(Surya Kant)
Judge

12.07.2016
vishal shonkar

(Darshan Singh)
Judge