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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1365/2016 & CM APPLs. 5965-5966/2016

MODERN COLLEGE OF EDUCATION Petitioner

Through Mr. Sanjay Sharawat with Mr. Ratish
Kumar, Advocates

versus

NATIONAL COUNCIL FOR TEACHER

EDUCATION & ANR

..... Respondents

Through Mr. Anil Soni, CGSC with
Mr. Naginder Benipal and
Mr. Shivam Chanana, Advocates**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER****24.02.2016**

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Present writ petition has been filed with the following prayers:-

“[a] Issue a writ of certiorari and quash clause 3 of the clarification letter dated 06.02.2015 issued by Respondent No. 1 [Annexure P-25] to the extent it requires “institutions to move gradually to become a composite institution but not later than 2016-17” as the same is contrary to Clause 8(1) of the NCTE Regulations, 2014; and

[b] Issue a writ of certiorari and quash the instruction issued by the Respondent No. 1 [Annexure P-23] to the extent it requires “NOC from the affiliating body” to be submitted alongwith the application as the same is contrary to the law declared by Hon’ble Supreme Court of India in State of Maharashtra vs Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya & Ors [(2006) 9 SCC 1] and Maa Vaishno Devi Mahila Mahavidyalaya vs State of U.P & Ors [(2013) 2

SCC 617]; and

- [c] Alternatively hold and declare that the requirement of submitting NOC from the affiliating body and to become composite institution latest by 2016-17 does not apply to the case of the Petitioner in view of the policy decision taken by the Respondent No. 1 and the NCTE Regulations, 2014; and*
- [d] Pass an appropriate order and hold and declare that the application of the Petitioner is required to be decided on the basis of public notice dated 26.11.2012 issued by the Respondent No. 1 and strictly as per the NCTE Regulations, 2014 from the stage it was rejected by the Respondent No. 2 vide decision taken by it in its 214th meeting held from 24th to 25th April, 2013; and*
- [e] issue a writ of certiorari and quash the order dated 30.12.2015 passed by the Respondent No. 2 as the same is violative of the order dated 24.11.2014 passed by this Hon'ble Court in W.P [C] No. 7831 of 2013 and consequentially direct said Respondent to process and finally decide application of the Petitioner for grant of recognition for D.El.Ed course from academic session 2016-17 in accordance with law; and*
- [f] Pass any other and further order(s) as may be deemed fit."*

Learned counsel for petitioner states that NRC's insistence upon NOC from the concerned affiliating body as well as for production of evidence that it is a composite institution is contrary to the guidelines issued by NCTE.

Learned counsel for petitioner further states that negative recommendation by the State Government relied upon by the NRC is in breach of the judgments passed by this Court as well as by the Apex Court.

Learned counsel for the respondents, who appears on advance notice, states that the present writ petition is not maintainable as the petitioner has already filed an appeal before NCTE.

Consequently, the present writ petition and applications are disposed with a direction to respondent-NCTE to decide petitioners' appeal as expeditiously as possible, but not later than 3rd March, 2016. It is clarified that this Court has not expressed any opinion on the merits of the controversy and rights and contentions of all parties are left open.

MANMOHAN, J

FEBRUARY 24, 2016

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