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

\+ W.P.(C) 1829/2016

SMD GIRLS COLLEGE OF EDUCATION ..... Petitioner
Through: Mr. Sanjay Sharawat, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR
..... Respondents
Through: Mr. Anil Soni with Mr. Naginder Benipal, Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

O R D E R

% 02.03.2016

CM Appl. 7875/2016

Exemption allowed, subject to just exceptions.

W.P.(C) 1829/2016 & CM Appl. 7874/2016

The present writ petition has been filed challenging the order dated 18th June, 2015 passed by the NRC and the order dated 25th February, 2016 passed by the NCTE whereby the petitioner's application for grant of recognition of B.Ed. Course was refused.

The NRC rejected the petitioner's application on the ground that the initial land document submitted by the Institution showed that the land was on private lease.

Consequently, according to the NRC, the petitioner on the date of the application was not the owner of the land and was not in possession of the land on the date of the application submitted online on 27th December, 2012.

The NCTE also rejected the petitioner's appeal on the ground that NRC was justified in refusing recognition.

However, the fact is that the petitioner-college had purchased the land in its name on 08th May, 2015.

Learned counsel for the petitioner states that in compliance with NCTE Regulations, 2009 and Regulations 2014, the petitioner-college purchased the land and consequently, was in possession of the said land on ownership basis prior to the impugned order being passed by the NRC. He points out that the NRC has to give an opportunity to the college to rectify the deficiencies under Section 14(3)(b) of the National Council for Teacher Education Act, 1993.

In the opinion of this Court, since the deficiency of ownership of land was rectified prior to the passing of the impugned order by the NRC, the impugned orders are contrary to the facts.

Moreover, this Court is of the opinion that both NRC and NCTE cannot decide the application only on the facts stated therein and that too, if the application is being decided after a time gap of nearly three years and the delay is entirely attributable to the respondents.

Consequently, the impugned orders dated 18th June, 2015 and 25th February, 2016 are set aside and respondent No. 2 is directed to grant formal recognition to the petitioner under clause 7 [16] of the National Council for Teacher Education [Recognition Norms and

Procedure] Regulations 2014 for B.Ed. course for academic session 2016-2017.

The writ petition and application stand disposed of accordingly.

Order dasti under the signature of the Court Master.

MANMOHAN, J

MARCH 02, 2016
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