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

+ **W.P.(C) 3328/2016 & C.M.No.14180/2016**

**RAO RAJ SINGH COLLEGE OF EDUCATION** ..... Petitioner

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

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR**  
..... Respondents

Through Mr.Anil Soni, Advocate for NCTE/R-  
1 & 2.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

% **22.04.2016**

Present writ petition has been filed challenging the order dated 28<sup>th</sup> December, 2015, whereby respondent no. 2 has refused to grant recognition to the petitioner. There is also a challenge to the order dated 18<sup>th</sup> April, 2016, whereby the respondent no. 1 has set aside all the observations made by the respondent no. 2 except upholding the rejection of recognition on the ground of the land being on lease on the date of application.

Learned counsel for the petitioner states that the land was owned by the father of the President of the petitioner-Society and was given to the petitioner-society on lease for 99 years in 2006. It is stated that the land was transferred in the name of the society by a registered Sale Deed dated 3<sup>rd</sup> March, 2015 i.e. prior to the passing of the impugned orders.

Learned counsel for the petitioner also submits that the present

case is squarely covered by the judgment and order dated 2<sup>nd</sup> March 2016 passed by this Court in W.P.(C) No.1829/2016. The relevant portion of the said judgment is reproduced hereinbelow:-

*“ 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 18<sup>th</sup> June, 2015 and 25<sup>th</sup> 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”.*

On the other hand, Mr.Anil Soni, learned counsel for NCTE states that the petitioner was not the owner of the land on the date, it had filed the application for recognition.

In the opinion of this Court, since the alleged deficiency of ownership of land was rectified prior to the passing of the impugned

order, the subsequent fact should have been taken into account as under the Act and the Regulations, the applicant has the option to remove the deficiencies during the pendency of the proceedings.

Consequently, the impugned orders dated 28<sup>th</sup> December, 2015 and 18<sup>th</sup> April, 2016 are set aside and the respondent no.2 is directed to decide the petitioner's application for recognition under Clause 7 (16) of the National Council for Teacher Education (Recognition Norms and Procedure) Regulations 2014 for D.El.Ed course for the academic session 2016-2017.

The writ petition and the application stand disposed of accordingly.

Order *dasti* under the signatures of the Court Master.

**MANMOHAN, J**

**APRIL 22, 2016**  
**KA**