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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3714/2016 & CM APPLs. 15820-15821/2016

SHIMLA COLLEGE OF EDUCATION Petitioner

Through Mr. Pawan Upadhyay with
Mr. Rajeev Chetri and Mr. Rajesh
Chetri, Advocates

versus

NATIONAL COUNCIL FOR TEACHER

EDUCATION & ANR. Respondents

Through Mr. Anil Soni, Sr. Standing Counsel
with Mr. Naginder Benipal, Advocate

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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02.05.2016

1. Present writ petition has been filed seeking a direction to respondents to grant formal recognition of M.Ed. course to the petitioner-College based in Himachal Pradesh and to also issue a direction to respondent no. 2 to comply with the order dated 2nd March, 2016 passed by respondent no. 1. The relevant portion of the order dated 2nd March, 2016 is reproduced hereinbelow:-

“NOW THEREFORE, after having gone through the case in detail, I conclude that as per the provisions in the Clause 8(4)(i) and 8(4)(iii) of the NCTE Regulation, 2014, the society sponsoring the institution among others shall be required to transfer and vest the title of the land and building in the name

of the institution within a period of six months from the date of issue of formal recognition order under Sub-regulation (16) of regulation 7. Accordingly, the NRC may consider the case of the institution for recognition of M.Ed. course and obtain an affidavit on stamp paper worth Rs. 100/- duly attested by Oath Commissioner from Shimla Educational Trust stating that the land under lease will be formally transferred in the name of the institution within a period of 06 months from the date of formal recognition order under Regulation 7. Thereafter, an inspection to the college may be carried out within the above said period and if the Shimla Educational Society Trust failed to do so (transfer the land in the name of the college) the recognition so, granted may be withdrawn.”

2. It has been averred in the writ petition that petitioner had earlier filed a writ petition being W.P.(C) 3007/2016 and the same was dismissed vide order dated 6th April, 2016 on the ground that writ petitions cannot be filed seeking execution of orders passed by the tribunals or subordinate authorities, without filing any application before the said tribunal/authority.
3. Learned counsel for petitioner states that in pursuance to the said order petitioner had filed a representation dated 21st April, 2016, but its representation for grant of M.Ed. course has not been considered till date.
4. Learned counsel for the respondent, who appears on advance notice, states that the petitioner is indulging in forum shopping inasmuch as he had filed a writ petition for recognition of one course for present Academic Year itself in the Himachal Pradesh High Court, Shimla.
5. Having heard learned counsel for parties, this Court is of the view that even though the petitioner has applied to the respondents on 21st April, 2016 yet one cannot say that the tribunal has had sufficient time to consider and decide the petitioner's representation. As of today, only ten days have

lapsed since the application was filed.

6. Consequently, present writ petition and applications are dismissed as premature. The issue of forum convenience is left open.

MANMOHAN, J

MAY 02, 2016

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