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

+ W.P.(C) 5460/2016

MIDNAPORE INSTITUTE OF EDUCATION

..... Petitioner

Through Mr.Ravi Kant & Mr.Mayank Manish,
Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR

..... Respondents

Through Mr.Anil Soni, Standing Counsel with
Mr.Naginder Benipal, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **02.06.2016**

The petitioner, Midnapore Institute of Education, which is being run and managed by Midnapore Education and Service Society, West Bengal, is aggrieved by the order dated 03.12.2015 passed by the Eastern Regional Committee (respondent no.2) of NCTE as well as the Appellate order passed by NCTE (respondent no.1) dated 18.04.2016 whereby the application of the petitioner Institute has not been processed on the ground of the hard copy having been dispatched and received in the office of respondent no.2 a day later than the scheduled time as well as the aforesaid order of rejection of the application having been affirmed and upheld by the appellate authority.

Respondent no.1, NCTE, had issued a public notice on 27.02.2015 inviting applications for recognition of all the Teacher Training Courses in

various Institutes. By a notification dated 30.05.2015, the NCTE issued another public notice whereby the period for applying for recognition of the courses was extended from 30.05.2015 to 30.06.2015. The petitioner Institute applied online on 30.05.2015 for grant of additional unit of diploma in elementary education course for the academic session 2016-17. The last date for submitting hardcopy of the online application was also extended later till 15.07.2015. The hardcopy of the application filed by the petitioner was received in the office of respondent no.2, a day later, i.e. on 16.07.2015. Precisely for a day's delay in receiving the hardcopy of the online application, the claim of the petitioner for recognition of Diploma in Elementary Education Course for academic year 2016-17 was rejected.

The appellate authority which is the NCTE itself, by order dated 18.04.2016 affirmed the order of Eastern Regional Committee.

Mr.Anil Soni, learned advocate appearing for the respondents submits that clause 7(2)(b) of the NCTE Regulations specifies that the application of any Institute shall be summarily rejected if the online and hardcopy of the application is not submitted within the stipulated time. The rule further indicates that even the process fee deposited with the application form shall be forfeited in that event.

Learned counsel for the petitioner submits that for one day's delay, (2 days' delay according to the counsel for the respondent nos.5 & 6) claim of the petitioner could not have been rejected. He further assails the legality and the rationale behind the aforesaid clause of the NCTE regulations.

The present petition does not seek to have the aforesaid clause of the notification quashed.

Learned counsel for the petitioner has drawn the attention of this

Court to the order dated 23.05.2016 passed in ***W.P.(C) No.4667/2016 (Raiganj Educare vs. National Council for Teacher Education & Anr.)*** wherein a Bench of this Court expressed grave doubts about the validity and legality of clause 7(2)(b) of NCTE Regulations.

Mr.Anil Soni, on being asked by the Court, states that the case of the petitioner could be re-examined by the authorities in case they approach the authorities within a period of four weeks from today.

Should the petitioner approach the authorities for re-examination of their claim for recognition of the particular course referred to above, the authorities concerned shall pass a reasoned order after taking into account that it would not have been in the interest of the petitioner to send/dispatch the hardcopy later than the scheduled time and that there were no deliberate latches.

Needless to say that in case the claim of the petitioner is decided favourably by the respondent authorities, the recognition of the additional units of the aforesaid course shall be only for the academic year 2017-18 as much time has by now passed and it would not be fair to ask the authorities to accord recognition for the academic year 2016-17 as the Hon'ble Supreme Court has fixed a time schedule for running the courses in such Technical Institute and such time limit cannot be deviated from.

The petition is allowed and disposed of with the aforesaid observations.

ASHUTOSH KUMAR, J

JUNE 02, 2016
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