

(Common Order)

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

+ LPA 82/2017 & C.M.No.3902/2017 (*directions*)

CHAUDHARY RAGHUNATH
SINGH MAHAVIDYALAYA

..... Appellant

Versus

NATIONAL COUNCIL FOR
TEACHER EDUCATION & ANR

..... Respondents

+ LPA 96/2017 & C.M.No.4696/2017 (*directions*)

SRI KOMAL SAHU SMARAK SHIKSHAN EVAM
PRASHIKSHAN SANSTHAN

..... Appellant

Versus

NATIONAL COUNCIL FOR
TEACHER EDUCATION & ANR

..... Respondents

Present:- Mr.Sanjay Sharawat, Adv. for the appellants
Ms.Monika Arora, Standing Counsel for the NCTE

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
13.02.2017

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1. These two appeals arise out of the common judgment dated 03.01.2017 rendered by the learned Single Judge in W.Ps.(C) No.6627/2016, 7563/2016 and 7981/2016.

2. The appellant in LPA No.82/2017 was the petitioner in W.P.(C)No.7981/2016 whereas the appellant in LPA No.96/2017 was the petitioner in W.P.(C) No.7563/2016.
3. The appellants/writ petitioners sought recognition for D.El.Ed Course in terms of Clause 7(16) of NCTE (Recognition Norms and Procedure) Regulations, 2014.
4. The request of the petitioner in W.P.(C) No.7981/2016 was rejected by the Northern Regional Committee (NRC) of National Council for Teacher Education (NCTE) on 13.10.2015 and the appeal against the said order was dismissed by NCTE by order dated 08.08.2016. So far as the request of the petitioner in W.P.(C) No.7563/2016 is concerned, the rejection order was passed by the NRC on 18.12.2015 and the appeal was dismissed by NCTE on 04.07.2016.
5. The said orders were challenged before this Court pleading that the failure on the part of the petitioners to submit the documents before NRC to establish the compliance of the requirements mentioned in the Letter of Intent was only on account of the delay on the part of the Affiliating University in approving the faculty members appointed by the petitioners and since the approval from the Affiliating University which was received after the rejection order by NRC, was filed along with the appeal, the Appellate Authority/NCTE should not have dismissed their appeals.
6. After hearing both the parties, the writ petitions were disposed of by the learned Single Judge by the order under appeal setting aside the orders of the Appellate Authority, i.e., NCTE and remanding the matters back to the Appellate Authority/NCTE to consider the case of the petitioners for recognition. Though the petitioners/appellants herein filed applications for

modification of the said order, seeking remand to NRC instead of NCTE, the said applications were dismissed by separate orders dated 25.01.2017.

7. Hence, the present appeals contending *inter alia* that the matter should have been remanded back to the NRC/respondent No.2 instead of NCTE/respondent No.1 since NRC is the competent authority to grant recognition under the provisions of NCTE Act, 1993. It is submitted by the learned counsel for the appellants that the remand to NCTE is nothing but a futile exercise and would result in loss of one more academic session to the appellants.

8. We have also heard the learned Standing Counsel for the respondents.

9. We have observed that in both the matters, Letter of Intent was granted to the appellants/petitioners directing to appoint qualified faculty/staff and submit particulars of the staff duly approved by the University to which the appellants are affiliated. As mentioned above, the specific case of the appellants is that though they made the appointments well in advance and furnish the particulars to the University, there was delay on the part of the University in conveying the approval. It is also pleaded that though by the date of the orders of NRC the approval was not received by the University, subsequently the University approved the appointments made by the appellants and the said particulars were furnished to the Appellate Authority/NCTE.

10. As rightly observed by the learned Single Judge, the appeal is continuation of the original proceedings and it is open to the Appellate Authority to take into account subsequent events. Since the Appellate Authority/NCTE failed to consider the decision of the Affiliating University, in spite of the fact that the appellants had submitted the approvals received

from the University, the learned Single Judge thought it fit to remand the matters back to the Appellate Authority. The said conclusion of the learned Single Judge cannot be held to be erroneous merely on the ground that NRC is the competent authority to grant recognition under the Act. Section 18 of the NCTE Act empowers NCTE to confirm or reverse the order appealed against. Admittedly, by the date of the rejection orders passed by NRC, the appellants could not produce the approval from the Affiliating University. Since it is pleaded that the approvals have now been placed before the Appellate Authority, it is for NCTE to consider the same and pass appropriate orders in accordance with law.

11. For the aforesaid reasons, we do not find any justifiable reason to interfere with the order under appeal. However, in the facts and circumstances of the case, we direct that NCTE shall dispose of the appeals of the appellants/petitioners in terms of the directions of the learned Single Judge expeditiously, preferably within a period of two weeks from today.

12. Both the appeals are accordingly disposed of.

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

CHIEF JUSTICE

FEBRUARY 13, 2017/‘anb’

SANGITA DHINGRA SEHGAL, J