

\$~31

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

+ LPA 100/2017

JAWAHAR LAL NEHRU COLLEGE
OF EDUCATION

..... Appellant

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR

..... Respondent

Counsel for the appellant: Mr.Sanjay Sharawat, Adv.
Counsel for the respondent: Ms.Monika Arora, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS.JUSTICE SANGITA DHINGRA SEHGAL

ORDER

%

08.02.2017

CM No.4881/2017 (exemption)

Allowed, subject to all just exceptions.

LPA No.100/2017 & CM No.4880/2017

1. This appeal is directed against the order of the learned Single Judge dated 24.01.2017 in W.P.(C) No.7124/2016.
2. We have heard the learned counsel for both the parties.
3. The material available on record shows that the request of the appellant/writ petitioner seeking recognition for the proposed D.El.Ed. course was rejected by the Northern Regional Committee (NRC) of the National Council for Teacher Education (NCTE) by order dated 21.12.2015 on the ground that the appellant/petitioner failed to submit its reply to the

letter dated 16.08.2013 pointing out the deficiencies. It was stated in the said order dated 21.12.2015 that the appellant/petitioner failed to submit its reply even to the show cause notice dated 07.08.2015. Against the said order, though the appellant/petitioner preferred an appeal before NCTE pleading that the letter dated 16.08.2013 as well as the show cause notice dated 07.08.2015 stated to have been sent by NRC were not received by it, the appeal was dismissed by NCTE by order dated 09.06.2016 observing that the plea of the appellant is not convincing. Aggrieved by the same, the appellant/petitioner filed W.P.(C) No.7124/2016. After hearing both the parties, the learned Single Judge held that the respondents had failed to place on record any material to substantiate the delivery of the letter pointing out the deficiencies or the show cause notice. The finding of the learned Single Judge in that regard may be reproduced hereunder:

"5. Having heard the learned counsel for the parties, suffice to state that the respondents have not placed on record any document or evidence to substantiate the delivery of the letter highlighting the deficiencies or the show cause notice. Even there is no finding in both the impugned orders that the said communications have been received by the petitioner herein, based on some tangible evidence. The ground, that the petitioner has not followed up the status of the application is untenable. If the deficiencies need to be communicated and a show cause notice need to be issued, the Authorities must have ensured themselves that the same have been issued and received by the petitioner. That apart, the fact, that, the respondents have taken a stand that the said communications have been sent, pre-supposes, the sending of the same is mandatory."

4. Having held so, the learned Single Judge while setting aside the order of appellate authority/NCTE dated 09.06.2016, remanded the matter back to

NCTE with a direction to reconsider the appeal.

5. Though the finding of the learned Single Judge that the show cause notice and the notice stated to have been issued by NRC were not delivered to the appellant/petitioner is in its favour, the present appeal has been filed by the writ petitioner seeking a limited relief to the extent that the learned Single Judge ought to have remanded the matter to the original authority/NRC instead of the appellate authority/NCTE.

6. Having regard to the fact that the appellant/petitioner was not even aware of the alleged deficiencies stated to have been specified in the letter of NRC dated 16.08.2013, we find force in the submission of the learned counsel for the appellant that no purpose would be served by remanding the matter to the appellate authority/NCTE. We also found that the application of the appellant/writ petitioner for grant of recognition was made long back in the year 2012/2013. Therefore, even assuming that the plea of NRC that certain deficiencies were found and to that effect the letter dated 16.08.2013 was issued by NRC calling upon the appellant/petitioner to remove the deficiencies is correct, it appears to us that in view of the long lapse of time of about 4 years it would not be appropriate to direct NRC to proceed on the basis of the letter dated 16.08.2013. Instead, we deem it appropriate to direct the NRC to consider the application of the appellant/petitioner afresh and take an appropriate decision in accordance with law for grant of recognition for the Academic Year 2017-18.

7. Accordingly, the order of NRC dated 21.12.2015 is also hereby set aside and the matter is remanded back to NRC. The NRC shall consider the application of the appellant/petitioner afresh and take an appropriate

decision in accordance with law for grant of recognition for the Academic Year 2017-18.

8. The order under appeal shall stand modified accordingly.
9. The appeal stands disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

FEBRUARY 08, 2017

pmc