

\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 1659/2017

KABIGURU COLLEGE OF EDUCATION

..... Petitioner

Through: Mr. Kunal Chatterji & Ms. Maitrayee
Banerjee, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION

..... Respondent

Through: Ms. Monika Arora, SC for NCTE

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

06.03.2017

1. The present petition has been filed with the following prayers:-

“Therefore, on the facts and in the circumstances of the present case it is most humbly and respectfully prayed that this Hon’ble Court may graciously be pleased to:

A) Issue a writ of mandamus or any other appropriate writ, order or direction to quash and set aside the order in appeal dated 02.12.2016 passed by the Respondent no.1 upholding the order of refusal dated 19.07.2016 passed by the Respondent No.2 rejecting the application for recognition of the Petitioner’s institution for D.El.Ed course;

B) Issue a writ of certiorari or any other appropriate writ, order or direction to quash and set aside the order in appeal dated 02.12.2016 passed by the Respondent No.1 upholding the order of refusal dated 19.07.2016 passed by the Respondent No.2 rejecting the application for recognition of the Petitioner’s institution for D.El.Ed. course (New Recognition) in order to

conscionable justice;

C) Pass such further or other orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice."

2. It is the case of the petitioner and also contended by Mr. Kunal Chatterji that it was granted recognition by the respondent No.2 Eastern Regional Committee of the NCTE for conducting B.Ed course on May 27, 2015. On June 30, 2015, it had applied to the respondent No.2 for grant of recognition for conducting D.El.Ed course. After the scrutiny of the petitioner's application, the respondent no.2 in its 203rd meeting decided to issue show cause notice asking the petitioner to produce NOC and sanction plan with certain details.

3. It is conceded by Mr. Kunal Chatterji that the petitioner did not respond to the show cause notice within time. In view of the non receipt of the reply to the show cause notice, the respondent no.2 in its 215th meeting held on May 26-27, 2016 decided to refuse grant of recognition to the petitioner Institute for D.El.Ed course and accordingly communicated refusal order dated July 19, 2016. Being aggrieved by the order dated July 19, 2016 of respondent No.2, the petitioner filed an appeal before the Appellate Committee, which vide its order dated December 2, 2016 decided

to confirm the refusal order dated July 19, 2016. I note from the appellate order, the representative of the petitioner has stated as under:-

“due to worsening situation of B.Ed and D.El.Ed colleges in West Bengal, the number of students seeking admission in D.El.Ed. course is decreasing. As they are suffering from financial crunch, they have decided not to take the additional course. They were not aware that it is mandatory to have composite course in B.Ed. college according to the NCTE Norms and Regulations 2014 and they did not reply to the show cause letter.”

The above clearly reveals, that the petitioner had purposefully not filed reply to the show cause notice. In fact, it had decided to forgo conducting D.El.Ed. course. It appears, the effect of rejection of D.El.Ed course on the B.Ed Course has triggered this petition. The effect is because of the regulations which the petitioner was expected to know, the impugned order cannot be interfered on that ground.

4. The plea of Mr. Chatterji that this Court may put the petitioner to any terms, so that the petitioner would be in a position to give reply to the show cause notice and satisfy the Authority, does not appeal to this Court, as the petitioner having not availed the opportunities given, surely is not entitled to any relief, more particularly when this court is exercising jurisdiction under Article 226 of the Constitution. The petition is dismissed. No costs.

V. KAMESWAR RAO, J

MARCH 06, 2017/ak