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

+ **W.P.(C) 2055/2017**

RAJA RAMMOHAN ROY TEACHER TRAINING INSTITUTE

..... Petitioner

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR

..... Respondents

Through: Ms. Monika Arora, SC for NCTE

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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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 18.01.2017 passed by the Respondent no.1 upholding the order of refusal dated 09.07.2016 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 18.01.2017 passed by the Respondent No.1 upholding the order of refusal dated 09.07.2016 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 the petitioner applied to the respondent No.2 Eastern Regional Committee of the NCTE seeking grant of recognition for conducting D.El.Ed. On June 29, 2015, the said application of the petitioner was scrutinized and the respondent No.2 in its 196th meeting decided to issue show cause notice asking the petitioner to produce NOC.

3. Mr. Kunal Chatterji fairly concedes, the petitioner did not respond to the show cause notice within time. He states, in view of the non receipt of the reply to the show cause notice, the respondent decided to refuse the grant of recognition and an order in that regard was issued on July 9, 2016. Being aggrieved by the order dated July 09, 2016, the petitioner filed an appeal before the Appellate Committee, which rejected the appeal, wherein the Appellate Committee has noted as under:-

"AND WHEREAS Sh. Basu Deb Tewari, Secretary, Raja Ram Mohan Roy Teacher Training Institute, Nadia, West Bengal presented the case of the appellant institution on 02.12.2016. In the appeal and during personal presentation it was submitted that "ERC, NCTE issued a show cause notice (memo no.ERC/7-Corrigendum

195.72/D.El.Ed./ERCAPP3767/2015/37044 dated 22/10/2015) but unfortunately that time we were facing financial problem. So we became unable to finish our infrastructure as the Rules and Regulations of NCTE for that reason we did not reply the letter issue by the NCTE but Sir, now we are completely ready with proper building and other infrastructure.

AND WHEREAS Appeal Committee noted that appellant institution was issued a Show Cause Notice (SCN) dated 22.10.2015 on the ground that N.O.C. from affiliating body was not submitted. The appellant institution was allowed three weeks time for submitting a written representation alongwith supporting documents.

AND WHEREAS Appeal Committee further noted that appellant institution did neither submit N.O.C. of affiliating body nor any written representation in reply to the S.C.N. dated 22.10.2015. E.R.C. in its 214 meeting held on 13-15th May, 2016, therefore, decided to refuse recognition.

AND WHEREAS Appeal Committee noted that appellant in its appeal memoranda stated that infrastructure was not complete so no reply to S.C.N. was given. Appellant, however, submitted copy of N.O.C. alongwith its Appeal Memoranda dated 04.09.2016.

AND WHEREAS Appeal Committee is of the opinion that appellant institute was given opportunity and adequate time for submission of reply to S.C.N. The justification given by the appellant is not relevant. N.O.C. of affiliating body is dated 27.06.2015 and nothing could have prevented the appellant in submitting N.O.C. in reply to S.C.N. Appeal Committee, therefore, decided to confirm the refusal order dated 09.07.2016 issued by E.R.C. Bhubaneswar.”

4. Suffice to state, that the petitioner was asked to reply to the show cause notice, which was not replied to and further the petitioner institute was granted three weeks more time for submitting the written representation

along with supporting documents. Unfortunately, the said opportunity was also not availed by the petitioner. I note, the Appellate Committee has noted in the Appeal Memorandum, that the petitioner has stated that infrastructure was not complete so no reply to the show cause notice was given.

5. Suffice to state, the facts as narrated above shows the petitioner had purposefully not followed the application / show cause notice. That apart, the petitioner being not diligent / slept over its rights, this Court in exercise of jurisdiction under Article 226 of the Constitution would not like to entertain the petition.

6. 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 at all. The petition is dismissed. No costs.

V. KAMESWAR RAO, J

MARCH 06, 2017/ak