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

+ W.P.(C) 3294/2017

PRAVAKARAN B.ED COLLEGE Petitioner

Through: Mr. Sanjay Sharawat, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION &

ANR Respondents

Through: Ms. Sonali Malhotra and Mr. Amit Sanduja, Advs.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **25.04.2017**

Short affidavit has not been filed by the respondents.

Arguments heard.

Learned counsel for the petitioner submits that academic session 2017-18 is going to commence. It is submitted that petitioner had applied with the Eastern Regional Committee (ERC), i.e., respondent no.2. for recognition of B.Ed. course for the academic session 2016-17. The application was rejected by the ERC vide order dated 12th July, 2016. Thereafter, petitioner preferred an appeal before the National Council for Teacher Education, i.e., respondent no.1 which has been dismissed vide order dated 28th March, 2017.

Respondent no.2 as well as respondent no.1 have held that the

application for grant of recognition was liable to be rejected as NOC from the affiliating body was not submitted within the prescribed last date, i.e., 15th July, 2015.

Learned counsel for the petitioner further submits that NOC from the affiliating body, i.e., University of Calcutta was obtained on 23rd July, 2015 and submitted before the respondent no.1, thus, respondent no.1 ought to have considered this NOC in view of the law laid down by this Court vide judgment dated 23rd February, 2017 passed in W.P.(C) 3231/2016 titled Rambha College of Education vs. National Council for Teacher Education & Anr. and judgment dated 1st March, 2017 passed in W.P. (C)7847/2016 titled Dr. CC Mahto Teachers Training College vs. National Council for Teacher Education & Anr. In paras 8 and 11 of Dr. CC Mahto (Supra), it has been held as under :-

“8. Having heard the learned counsel for the parties, the only issue, which arises for consideration is, whether the ground for rejecting D.El.Ed application that NOC dated September 23, 2016 was issued after July 15, 2015 and resultantly the rejection of the application for B.Ed Programme is justified. It is an admitted position that the NOC of the affiliating body was issued on September 23, 2016 after July, 15, 2016 the last date. The issue, which arises for consideration has been settled by this Court in the case of Rambha College of Education (supra), as relied upon by Mr. Mayank Manish. In the said case, this Court had noted that the Southern Regional Committee vide its decision dated January 31, 2016 had reopened and processed

cases, which were rejected on the ground of non submission or delayed submission of NOC. I had referred to the decision of the Southern Regional Committee in the case of Indra Ganesan College of Education in which case, even though application of the Institution was rejected by the SRC on December 22, 2015 but subsequently on the Institution submitting the NOC of the affiliating Institution to SRC on February 23, 2016, had granted the LOI and the appeal filed by the Institution, was held to be infructuous by the appellate Committee. If that be so, the Eastern Regional Committee with whose decision this Court is concerned in this petition cannot take a different stand that the NOC was not filed along with the application or the said decision was of SRC and not the Council.

11. Suffice to state, as the outcome of the appeal qua D.El.Ed. Programme would have a bearing on the appeal qua B.Ed. Programme the appellate orders dated 4th August, 2016 qua D.El.ED Programme (Page 20) and qua B.Ed. Programme (Page 23) are set aside. The matters are remanded back to the Appellate Committee for consideration of appeals afresh after taking into consideration (1) the NOC of the affiliating body issued on 23rd September, 2016; (2) the prayer of the petitioner that its applications need to be considered for the academic session 2017-18 by keeping in view the submissions made by the learned counsel for the parties during the hearing of this petition as noted above and pass appropriate orders in accordance with law. The petition is disposed of on the above terms.”

The facts of the present case are covered by the aforesaid judgments.

Accordingly, impugned orders of respondent nos. 1 and 2 are set aside and the matter is remanded back to the Eastern Regional Committee, i.e., respondent no.2 for considering the case of the petitioner after taking into account the NOC dated 23.07.15 of the affiliating body, i.e., University of

Calcutta and pass appropriate orders. Needless to add that case of the petitioner shall be considered for academic session 2017-18, as academic session 2016-17 is already over.

Writ petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

APRIL 25, 2017

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