

\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4211/2017 & C.M. No.18445/2017**
MAA KASTURBA GANDHI MAHILA COLLEGE OF
EDUCATION

..... Petitioner
Through Mr.Sanjay Sahrawat, Advocate.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.
..... Respondents
Through Ms.Sonali Malhotra and Mr.Amit
Sanduja, Advocates.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **26.07.2017**

Petitioner is aggrieved by the fact that the order dated 18.4.2017 passed by respondent no.1 as also earlier order dated 26.9.2016 passed by respondent no.2.

Record shows that the petitioner has submitted his application with the respondents for seeking a recognition to B.A. B. Ed/B.Sc.B. Ed course for the academic year 2016-17. Along with the application he was required to submit an NOC which was as per the regulation of the respondents. He accordingly asked the Joint Director (Private Colleges) College Education, Government of Rajasthan to expeditiously issue him an NOC to enable him to submit the same with respondent no.2. This NOC was not issued even after a lapse of time. The petitioner submitted a hard copy of the application with

respondent no.2 on 12.6.2015 but this was dehors the NOC. Meanwhile the petitioner was persistently following up the matter with the concerned authority to obtain the necessary NOC. This NOC was finally issued to him on 27.5.2016 by Maharaja Surajmal Brij University, Bharatpur; it was received by the petitioner in the first week of June, 2016. The petitioner immediately thereafter on 13.6.2016 submitted his reply to the show cause notice which he had received from respondent no.2. His application was however rejected on 26.9.2016. An appeal was filed before the statutory authority. This appeal was dismissed vide second impugned order dated 18.4.2017.

Counter affidavit has been filed by the respondents. Submission is that as per the rules of the respondent an NOC was a mandatory requirement on the part of the petitioner and in the absence of which it was well within the authority of the respondent to reject the application of the petitioner.

Learned counsel for the petitioner submits that in similar circumstances, in WP(C) 690/2017 Vidya Mandir Shikshan Sansthan Vs. National Council for Teacher Education and Anr. the same issue was raised and a detailed order was passed by the Co-ordinate Bench of this Court wherein such an objection has been overruled. The said judgment has been perused. In that case also the Court had noted that the NOC had not been submitted within the prescribed time limit; it had been submitted late. The Court had relied upon an earlier order passed by another Co-ordinate Bench on 01.3.2017 in WP(C) 7847/2016 titled Dr.C.C.Mahto Teachers Training College Vs.

National Council for Teacher Education and Anr. wherein extract from the said judgment has been quoted.

This Court is of the view that the ratio of the aforementioned judgment is wholly applicable to the facts of the present case. Accordingly, the impugned orders passed by respondent nos.1 and 2 are set aside. Matter is remanded back to respondent no.2 to consider the case of petitioner after taking the NOC issued to the petitioner by Maharaja Surajmal Brij University, Bharatpur. The case of the petitioner shall be considered for the next academic year 2018-19.

Petition disposed of.

INDERMEET KAUR, J

JULY 26, 2017

ndn