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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6039/2017**
HBH MAHAVIDHYALA

..... Petitioner

Through Mr.Sanjay Shawarat, Adv.
versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR

..... Respondents

Through Ms. Sonali Malhotra, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **29.08.2017**

1 By way of this petition, the petitioner is seeking a quashing of the order dated 21.06.2017 passed by respondent No.1 (National Council for Teacher Education) as also the earlier order dated 28.12.2016 passed by respondent No.2 (Northern Regional Committee). By way of the aforementioned orders, the application of the petitioner seeking recognition under the NCTE Regulations, 2014 for the D. El. Ed course had been declined.

2 Record shows that the institute of the petitioner was inspected by respondent No.2 on 12.06.2016. It was found to be satisfactory. A letter of intent was issued to him on 12.06.2016 itself. In compliance of the requirements of the LOI, the petitioner constituted the Selection Committee and invited applications from eligible candidates for appointing the faculty members which was accordingly granted. Repeated requests were then made to the Examination Regulatory Committee requesting it to grant its approval to the list of faculty

members who had been appointed by the petitioner institute. No reply was received.

3 On 25.08.2016, respondent No.2 issued a show cause notice to the petitioner asking it to submit its reply. Reply could not be filed by the petitioner as during this intervening period, the Secretary of the society was seriously ill and he was admitted to hospital. Due to non-submission of reply to the aforementioned show cause notice, the application of the petitioner was rejected on 28.12.2016.

4 On 24.03.2017, the Examination Regulatory Committee, Allahabad granted approval to the appointments made by the petitioner. Accordingly, the petitioner visited the office of respondent No.2 seeking recognition as the affiliating authority had granted approval to its staff on 24.03.2017.

5 Meanwhile, the petitioner had also filed a statutory appeal against the order passed by respondent No.2 (dated 28.12.2016). This appeal was rejected by the second impugned order dated 21.06.2017. The petitioner had no other option but to file the present writ petition.

6 At the outset, learned counsel for the petitioner submits that his case is adequately covered by a judgment delivered by this Court in 2017 SCC OnLine Del 6390 Ch. S.S.D. College Sri Komal Sahu Smarak Shikshan Evam Prashikshan Sansthan Chaudhary RAghunath Singh Mahavidyalaya Vs. National Council of Teacher Education & Anr. This Court notes this submission.

7 This Court also notes that although opportunity had been granted to the respondent to file counter affidavit but the same has not

been filed.

8 A perusal of the aforementioned judgment (supra) supports the submission of the petitioner. In the instant case also wherein after the LOI had been issued to the petitioner institute, it was followed by a show cause notice but on the ground of non-filing of reply to the said notice his application had been rejected. Meanwhile, approval had been granted to the petitioner by the Board of Examination, Allahabad. The appeal of the petitioner (in that case) was rejected. Noting all these submissions, the Court had set aside the order passed by the appellate body and remanded the matter back.

9 Learned counsel for the petitioner submits that the matter should be remanded back to respondent No.2 and not to respondent No.1 and this has been held by a subsequent judgment of the same Bench in W.P.(C) No.7125/2016 Jawahar Lal Nehru College of Education Vs. National Council for Teacher Education & Anr..

10 Noting these submissions and there being no dispute to the fact that the aforementioned judgment clearly applies to the facts of the instant case, the matter is remanded back to respondent No.2 (Northern Regional Committee) who shall decide the case of the petitioner and pass appropriate orders in accordance with law. This would be for the ensuing academic session 2018-2019.

11 Petition disposed of in the above terms.

INDERMEET KAUR, J

AUGUST 29, 2017

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