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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6447/2017 & C.M. Nos.25701/2017, 26702/2017 &
26704/2017

TATHAGAT TEACHER TRAINING COLLEGE

..... Petitioner

Through Mr. Neeraj Shekhar, Mr. Animesh
Kumar and Mr. Sumit Kumar, Advs.

versus

**NATIONAL COUNCIL FOR TEACHER S EDUCATION AND
ANR**

..... Respondents

Through Ms.Arunima Dwivedi and Ms. Preeti
Kumra, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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20.12.2017

The petitioner is aggrieved by the order dated 21.06.2017 passed by respondent No.1 (National Council for Teachers' Education) who while endorsing the order of the Regional Committee had dismissed the appeal of the petitioner. Learned counsel for the petitioner points out that this appeal was dismissed by respondent No.1 only for the reason that the NOC (No Objection Certificate) had not been filed by the petitioner institute in time. The relevant extract of the aforementioned order reads as under:-

“AND WHEREAS the committee noted that accordingly to the provisions of clause 5 (3) of the NCTE Regulations, 2014, No Objection Certificate issued by the concerned affiliating body shall be submitted along with the application. The Committee also noted that

the Council issued instructions to the Regional Committees informing that, for the year 2016-2017, 15th July, 2015 will be the last date for receipt of hard copies of the application together the NOC, irrespective of the date of submission of online applications. The appellant obtained the NOC from the affiliating body only on 23.07.2015 i.e. after the extended date of 15.07.2015 for receipt of applications for academic session 2016-17 for which they applied on 30.05.2015. The Committee also noted that in the appellate order dt. 02.06.2016 referred to by the appellant, the Council remanded the case to the ERC only on the ground that the hard copy was submitted on 25.06.2015 i.e. before the cut-off date as the earlier refusal was on the ground that the print out of applications was despatched after 15 days of submission of on-line application. The Committee, noting that the refusal order dt. 26.12.2016 is on a valid ground, concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order to the ERC confirmed.”

Learned counsel for the petitioner points out that his case is adequately covered by the judgment of Rambha College of Education Vs. National Council For Teacher Education And Anr. decided by this Court on 23.02.2017 in W.P. (C) No.3231/2016. Submission being that in the facts of that case wherein NOC had been obtained by the petitioner institute subsequently, the same had been directed to be re-considered and the matter had been remanded back to the Appellate Authority.

The respondents have put in appearance. Learned counsel for the respondents points out that the case of the petitioner may be

distinguished for the reason that the petitioner has already been before the Appellate Body two times and on both occasions, respondent No.1 had thought it not fit to grant affiliation to the petitioner institute. She however cannot and does not dispute the fact that the last impugned order (21.06.2017) was premised on the ground that the NOC of the petitioner institute had not been filed within time.

Record shows that the extended date for submitting hard copies of the documents and application by the petitioner for the year 2016-17 was 15.07.2015. The petitioner had filed his application and all documents except the NOC which had been obtained by him only on 23.07.2015 i.e. after the extended date of 15.07.2015.

In the judgment Rambha College of Education (supra), a similar contention had been raised and it had been considered in favour of the petitioner institute noting that although the NOC had not been filed by that petitioner along with his application as it was obtained beyond the extended time limit but having obtained the NOC, matter had been remanded back to the Appellate Authority to consider the appeal of that institute afresh while taking into consideration his NOC.

This Court is of the view that the ratio of the aforementioned judgment (Rambha College of Education) would squarely apply to the facts of the instant case. In the present case, the NOC had been obtained by the petitioner institute on 23.07.2015. Last date for submitting all the documents was 15.07.2015. The Appellate Body had passed the impugned order dated 21.06.2017 on which date, the NOC was well available with the petitioner but respondent No.1 did

not consider it.

This is a fit case where the matter should be remanded back to the Appellate Authority to consider the appeal of the petitioner afresh while taking into consideration his NOC which has been granted to him on 23.07.2015. The case of the petitioner shall now be considered for the next academic session 2018-2019. Respondent No.1 shall pass an order expeditiously on the appeal to be filed by the petitioner and preferably within four weeks from the date of the receipt of the appeal.

Petition disposed of in the above terms.

INDERMEET KAUR, J

DECEMBER 20, 2017

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