

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

Date of Order: May 16, 2017

+ CONT.CAS(C) 653/2015
MAHENDRA COLLEGE OF EDUCATION THR MAHENDER
SINGH Petitioner

Through: Mr. Yeeshu Jain, Advocate

versus

DR S K CHAUHAN & ORSRespondents

Through: Ms. Arunima Dwivedi and Mr.
Ranjan Sharma, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

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C.M.25234/2016

Vide order of 29th September, 2015, respondents were directed to consider petitioner's application for grant of permission to run B.Ed. Course for academic session 2015-16 and to consider the said application on merits as per letter of 8th January, 2013. Alleging violation of aforesaid directions issued on 29th September, 2015, this petition was filed, which stood disposed of vide order of 3rd December, 2015 by issuing the following directions: -

ORDER
03.12.2015

Since the cut-off date for consideration of petitioner's application for the Academic Year 2016-2017 is 3rd March, 2016,

this Court directs NRC to dispose of the petitioner's case as expeditiously as possible preferably within a period of six week.

With the aforesaid direction, present contempt petition stands disposed of.

Sd/-

MANMOHAN, J

DECEMBER 03, 2015

By way of present application, petitioner seeks re-opening of the contempt petition on account of failure of respondent to consider petitioner's case within the stipulated timeline i.e. six weeks. In response to this application, first respondent has disclosed that as per Communication of 12th April, 2016 of Government of Haryana, the existing ban on opening of new B.Ed. Colleges in the said academic years 2016-17 and 2017-18 continues in State of Haryana, where petitioner's college is located, and vide aforesaid Communication, respondent has been called upon not to entertain petitioner's application for recognition of Four Years Integrated Course of B.A./B.Ed./ B.Sc. during the years 2016-17 and 2017-18. Acting upon the aforesaid Communication of 12th April, 2016 received from Government of Haryana, respondent has passed the refusal order of 1st July, 2016, which is annexed as Annexure-7 with the reply.

Learned counsel for applicant/petitioner seeks reopening of contempt petition by submitting that respondent was aware of the existing ban on opening of new B.Ed. Colleges in the State of Haryana, still respondents had undertaken to decide petitioner's application for the

academic session 2016-17 for grant of permission to run the B.Ed. course. Attention of this Court is drawn to paragraph No.3 of the application to point out that respondent's counsel had undertaken to consider petitioner's application for the academic year 2016-17 and visiting team was also constituted on 1st March, 2017 and in the reply to this application, the averments made in paragraph No.3 of the application have not been refuted. So, it is submitted by petitioner's counsel that respondents should be hauled up for contempt.

On the contrary, learned counsel for respondents submits that the very fact of constitution of visiting team indicates that respondents were not aware of the existing ban about which they came to know only through Communication of 12th April, 2016 issued by Government of Haryana and it is pointed out by respondents' counsel that against the refusal order of 1st July, 2016, petitioner has already availed of the remedy and so, this application deserves to be rejected.

Upon hearing and on perusal of directions issued vide order of 29th September, 2015 and 3rd December, 2015, I find that respondents are not in contempt for the reason that respondents had constituted visiting team on 1st March, 2017 and so, it cannot be legitimately presumed that they were aware of the existing ban on grant of permission to run B.Ed. Course in State of Haryana.

Although, question of territorial jurisdiction arises, but it is not being gone into for the reason that directions have been already issued on 29th September, 2015 and 3rd December, 2015.

Be that as it may. In the considered opinion of this Court, no case

for re-opening of contempt case against respondents is made out.
Accordingly, this application is dismissed.

(SUNIL GAUR)
JUDGE

MAY 16, 2017

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