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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8357/2017**
VISHWA GANGA BTC COLLEGE

..... Petitioner

Through: Mr Sanjay Sharawat, Adv

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR

..... Respondents

Through: Ms Monika Arora and Mr Kushal
Kumar, Advs for R-1 and 2

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **19.09.2017**

The petitioner institute had submitted an application with the respondent seeking a recognition for its D.El.Ed course for the academic session 2016-17. That application was processed and an inspection of the institute was carried out on 27.05.2016. Respondent No. 2 (Northern Regional Committee) vide its decision taken in its 253rd meeting held between 30th May to 03rd June 2016 issued a show cause notice to the petitioner which was duly responded. Respondent No. 1 rejected the application of the petitioner vide its decision taken in its 256th meeting (held between 22nd to 25th August, 2016). Contention of the petitioner is that no formal refusal order conveying the above rejection decision had been communicated to the petitioner. Petitioner kept on waiting for this information from respondent No. 2 since no information was forthcoming. Petitioner sent its

representative to the office of respondent No. 2 in the third week of January to inquire about the status of his application. In August 2017 the representative of the petitioner again visited the office of respondent No. 2 to inquire about the status of his application. He requested that the formal order which was passed in 256th meeting (held between 22nd to 25th August, 2016) be communicated to the petitioner. On 08.09.2017 the petitioner filed an application in the area post office seeking information as to whether any letter had been received from respondent No. 2 qua his institute. He was informed that no such letter had been received. The present petition has been filed with a prayer seeking a quashing of the decision taken by respondent No. 2 in the aforementioned 256th meeting (held between 22nd to 25th August, 2016) and to direct respondent No. 2 to decide the application of the petitioner granting formal recognition of the petitioner.

On advance notice, learned counsel for the respondent has put in appearance. His submission is that this petition is not maintainable as admittedly the rejection order of respondent No. 2 (in the 256th meeting) is the subject matter of appeal before respondent No. 1 (National Council for Teacher Education). The fact that this order is a subject matter of appeal is not in dispute.

Learned counsel for the petitioner, however, submits that a formal order not having been communicated to the petitioner he could not file the appeal. Although this is only an oral submission and does not find mention in the body of the petition. From the averments made in the petition what can be deciphered clearly is that the minutes

of the 256th meeting vide which the application of the petitioner was rejected was known to the petitioner. The fact that this information was put on the website of respondent No. 2 is admitted. It is nowhere been averred in the petition that this communication (in the 256th meeting) was not known to the petitioner and thus the petitioner having waited for more than 1 year and 10 months assailing this decision by filing this writ petition in September 2017 is clearly hit by latches; the petitioner had admittedly not filed an appeal within the stipulated period against the aforementioned order. The official website of respondent No. 2 had informed the petitioner that his case stood rejected in the 256th meeting. If the formal order had not been communicated (grievance of the petitioner) he should not have waited for more than 1 year and 10 months to approach a court of law or any other competent authority. His submission that he had made oral visits and had verbal communications with the respondent does not appears to be quite correct; if this grievance was real nothing prevented the petitioner from penning his grievance in writing.

This court is of the view that the present petition has been filed only to overcome his mistake in not filing an appeal against the order of rejection (in 256th meeting) which stipulates a period of 60 days for filing an appeal. He having missed the bus is now trying to overcome that hurdle by approaching this court by filing this petition.

This court is thus of the considered view that the order dated 22nd to 25th August, 2016 in 256th meeting being an appealable order and the petitioner not having preferred an appeal against the said order (within the stipulated time period), petition in the present form

is not maintainable. Submission of the petitioner at this stage that he would withdraw this petition if permission is granted to him to file an appeal is a prayer which cannot be acceded to. This petition has been a wastage of the precious time of the court. Dismissed with costs quantified at Rs. 10,000/-.

INDERMEET KAUR, J

SEPTEMBER 19, 2017
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