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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9970/2017

BHAVNATH CHOUDHARY COLLEGE OF EDUCATION

..... Petitioner

Through Mr. Sujeet Kr. Mishra, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. Dev P. Bhardwaj, CGSC with
Mr. Surender Kumar, Adv for UOI.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **16.11.2017**

C.M. No.40623/2017 (exemption)

Exemption is allowed subject to just exceptions.

Application disposed of.

W.P.(C) 9970/2017 & C.M. No.40622/2017

The petitioner is aggrieved by the order dated 16.10.2017 passed by respondent No.2. Respondent No.2 by the impugned order had rejected the application of the petitioner seeking recognition to conduct D. El. Ed program. Respondent No.2 has affirmed the order passed by the Regional Committee.

Learned counsel for the petitioner points out that the only ground for refusal of recognition to the petitioner institute (as is evident from the impugned order dated 16.10.2017) was that a No Objection Certificate (NOC) had not been obtained; submission is that the impugned order had noted that the petitioner institute had applied for a NOC to the Jharkhand Government but this NOC was issued to them later on but not having been submitted along with their

copy of the online application before the Regional Committee; this being a defect, recognition was accordingly not granted to the petitioner institute.

Learned counsel for the petitioner places reliance upon a judgment of this Court reported in 2017 (162) DRJ 276 Rambha College of Education Vs. National Council for Teacher Education and Anr wherein a similar issue had arisen. The learned Single Judge in W.P.(C) No.7847/2016 Dr. C.C. Mahto Teachers Training College Vs. National Council for Teacher Education and Anr decided on 01.03.2017 while relying upon the ratio of the aforementioned judgment, had allowed the petition remanding the matter back to the appellate authority to consider the appeal of the petitioner afresh by taking into consideration the NOC issued by the affiliating body. It is ordered accordingly. Liberty is granted to the petitioner to make a request to respondent No. 2 for considering his case for the next session which will be for the academic session 2018-2019. An appropriate order in accordance with law shall be passed by respondent No. 2.

Petition disposed of in the above terms.

INDERMEET KAUR, J

NOVEMBER 16, 2017

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