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

Date of Decision-10.05.2018.

+ W.P.(C) 1648/2017

MAA TARA ACADEMY FOR RURAL DEVELOPMENT

..... Petitioner

Through Mr.Kunal Chatterjee with
Ms.Maitrayee Banerjee, Advs.

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION AND
ANR**

..... Respondent

Through Ms.Arunima Dwivedi, S.C.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

JUDGMENT

REKHA PALLI, J (ORAL)

1. Vide the present petition, the petitioner/Institute has impugned the order dated 26.09.2016 passed by the respondent no.1, whereby it has upheld the order dated 24.06.2016 passed by the respondent no.2 rejecting the petitioner's application dated 30.06.2015, for grant of recognition for B.Ed (Add.) course.
2. Mr. Chatterjee, learned counsel for the petitioner submits that the petitioner had been issued a show-cause notice by respondent no.2 mainly on two grounds, the first being non-supply of No Objection Certificate (NOC) from the affiliating body and the second being non-supply of duly approved building plan.

3. Mr. Chatterjee submits that even though with the petitioner had, with its reply to the show-cause notice, duly submitted not only the NOC but also the building plan, the respondent no.2 still rejected its application by holding that the building plan was not approved by any Government engineer.

4. Mr. Chatterjee contends that the respondent no.2 had overlooked the fact that the petitioner's land was situated in a village and, therefore, its building plan was duly approved by the local panchayat as required. He submits that aggrieved by the order dated 24.06.2016 passed by respondent no.2, the petitioner preferred an Appeal to the respondent no.1 which has also been rejected vide the impugned order dated 26.09.2016, despite respondent no.1 holding that the refusal order dated 24.06.2016 passed by the respondent no.2 lacked clarity, as it did not speak about the exact reason of refusal.

5. Ms.Dwivedi, learned counsel for the respondents reiterates the pleas taken in the counter affidavit and submits that since, the petitioner had not supplied the requisite documents, before the cut-off date, the respondent no.2 could not be faulted, for rejecting the petitioner's case.

6. Ms.Dwivedi is, however, unable to justify, the order passed by respondent no.1, but submits that once there is no infirmity in the original refusal order dated 24.06.2016 passed by respondent no.2, the order dismissing the appeal was just and fair.

7. At this stage, learned counsel for the petitioner, by placing reliance on the decision dated 23.02.2017 of this Court in the case of ***Rambha College of Education vs. NCT and Ors.*** and subsequent

decisions of this Court in WP (C) No.8325/2017 & WP (C) No.258/2018, submits that this Court has consistently held that, in case, the requisite documents are supplied even at the appellate stage, the same ought to be considered by the appellate authority and the application should not be rejected merely on the ground that such documents could not be submitted before the cut-off date. Ms.Dwivedi, does not deny the fact that the decision of this Court in ***Rambha College of Education vs. NCT and Ors.*** has already attained finality.

8. Having considered the submissions of learned counsel for the parties and perused the record, I find that the respondent no.1 has rejected the petitioner's appeal without even considering the NOC and Building Plan submitted by the petitioner alongwith its appeal. The consideration of the petitioner's appeal was, thus, in violation of the decisions of this Court in the case of ***Rambha College of Education (supra)*** and cannot be sustained.

9. For the aforesaid facts, the impugned order dated 26.09.2016 passed by the respondent no.1 is quashed and the matter is remanded back to the respondent no.1 to reconsider the petitioner's appeal. The respondent no.1 is directed to decide the petitioner's appeal by passing a reasoned and speaking order within 12 weeks, after giving the requisite hearing to the petitioner.

10. It is expected that while considering the petitioner's appeal, the respondent no.1 will take note of the decisions of this Court in ***Rambha College of Education vs. NCT and Ors.*** and other similar matters.

11. Needless to say, in case, the petitioner is aggrieved by the decision of the respondent no.1, it will open for the petitioner to take legal recourse as permissible under law.

REKHA PALLI, J

MAY 10, 2018

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