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

+ **W.P.(C) 1248/2018**

SARVODAY COLLEGE OF EDUCATION Petitioner
Through **Mr.Ravi Kant, Adv. with Mr.Mayank
Manish, Adv.**

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION
& ANR** Respondents
Through **Ms.Monika Arora, Adv. for R-1 & 2.**

**CORAM:
HON'BLE MS. JUSTICE REKHA PALLI**

ORDER
% **13.02.2018**

Vide the present petition, the petitioner has prayed for quashing of the decision taken by respondent No.2-Western Regional Committee in its 287th meeting held between 30th /31st January, 2018 whereby the Committee has rejected the application of petitioner for grant of recognition of M.Ed. course on the ground that the list of the approved faculty was not provided to the Committee by the petitioner.

On the last date, learned counsel for the respondents had sought time to get appropriate instructions in view of the fact that the order passed by the respondent no.1, clearly notices the fact that the faculty list duly approved, had been submitted to the Appellate Committee. Today, Ms.Arora, learned counsel for the respondents submits that

she has instructions to state that though the respondents do not wish to file counter affidavits, but a perusal of the record shows that the petitioner was granted fifteen days' time to approach the respondent no.2 with the list of faculty duly approved. She, however, submits that as per her instructions, the said list was not submitted to the respondent no.2 within the stipulated time, who was, therefore, compelled to pass the order rejecting the petitioner's request for recognition. She however does not dispute the submission made by the learned counsel for the petitioner that the list was duly provided to the Appellate Committee i.e. respondent no.1.

Having heard learned counsel for the parties, I am of the considered view that once the respondent no.1, which is the Appellate Committee, had itself noted in its order dated 10th August, 2017, that the approved faculty list had been submitted belatedly by the petitioner, there can be no doubt about the fact that the petitioner has already provided a duly approved faculty list to the respondents. The learned counsel for the petitioner contends that the said list was also submitted to respondent no.2 vide letter dated 28th August, 2017 by post which according to him, was duly delivered to the respondent

no.2 as per the tracking report copy whereof has been placed on record. The aforesaid contention of the petitioner is however denied by learned counsel for the respondents who contends that in case the petitioner had actually supplied the said list to respondent no.2, there would have been no occasion for the respondent no.2 to reject the petitioner's case on the ground of non-supply of the faculty list. Learned counsel for the parties, however agree, that without going into the question, as to whether the list sent by the petitioner to respondent no.2 by post was actually received by respondent no.2 or not, the case of the petitioner can be considered in case the petitioner provides another copy of the approved faculty list in the office of the respondent no.2 by hand within two days.

The impugned decision taken by respondent no.2 in its meeting on 30/31st January, 2018 in respect of the petitioner is quashed and upon the petitioner providing another copy of the approved faculty list in the office of the respondent no.2 by hand within two days under proper receipt the respondent no.2 will process the application of the petitioner, subject to the petitioner fulfilling all other criteria as per law.

In view of the admitted position that 3rd March, 2018 is the cut-off date, fixed for grant of recognition to Institutes, it is expected that the respondents will process the case of the petitioner, if otherwise in order, before the aforesaid date of 3rd March, 2018.

The petition is disposed of with the aforesaid directions.

Dasti.

FEBRUARY 13, 2018/aa

REKHA PALLI, J