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

+ **W.P.(C) 1722/2018**

ARYAWART COLLEGE OF EDUCATION Petitioner
Through **Mr.Sanjay Sharawat and Mr.Divyank**
Arora, Advs.
versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR Respondents
Through **Ms.Monika Arora, Mr.Kushal Kumar**
and Mr.Harsh Ahuja, Advs. for R-1 and
2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **23.02.2018**

Vide present petition, the petitioner has prayed for quashing of the order dated 06.02.2017 passed by the respondent No.2. Learned counsel for the petitioner points out that in response to an advertisement dated 26.11.2012 issued by the respondent No.1, inviting applications from institutions for opening educational institutions, the petitioner had submitted an application on 27.12.2012 seeking permission to start D.El.Ed course and had accordingly constructed the building and created entire infrastructure in conformity with the NCTE norms and standards. He submits that the petitioner's application was however rejected by respondent No.2 in its meeting dated 28th August, 2013 compelling the petitioner to approach this court by way of WPC No.3817/2015 which was allowed vide order dated 19.05.2015 with a direction to respondent

to re-consider the petitioner's application for the next academic year in accordance with law.

Learned counsel for the petitioner further submits that the application of the petitioner was again rejected by respondent No.2 vide its order dated 13.12.2015 leading to filing of an appeal by the petitioner institute which was allowed vide order dated 26.09.2016 passed by the respondent No.1 and the matter was remanded back to respondent No.2 with a direction to decide the same as per the NCTE Regulations, 2014. Learned counsel for the petitioner further points out that after remand, the respondent No.2 has once again rejected the application of the petitioner vide order dated 06.02.2017 on the ground that the application was not maintainable in view of the ban imposed by the State of Haryana.

Learned counsel for the petitioner further submits that in view of the recent decision taken by the respondents themselves to process applications of those institutes which were made before the imposition of the ban by the State Government, the impugned order is liable to be quashed and he prays that the respondents be directed to reconsider the petitioner's application in view of the changed position. Learned counsel for the respondents is unable to dispute the position that the respondents have now taken a stand to process such applications which were made before the imposition of the State ban.

Having heard the learned counsel for the parties, I am of the considered view that the petition is entitled to succeed. The order dated 06.02.2017 passed by the respondent No.2 is quashed and subject to the petitioner meeting other prescribed criteria the respondents are directed to expeditiously re-consider the

petitioner's application in accordance with law, preferably before 03.03.2018,
by ignoring ban imposed by the State of Haryana.

Writ petition is disposed of in the above terms with no order as to costs.

REKHA PALLI, J

FEBRUARY 23, 2018

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