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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1941/2018

J.R. KISSAN COLLEGE OF EDUCATION Petitioner

Through: Mr.Sanjay Sharawat, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondents

Through: Ms.Monika Arora, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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07.03.2018

Vide the present petition, the petitioner has impugned order dated 17.06.2015 passed by respondent No.2 whereby the petitioner's application seeking recognition for D.El.Ed. course was rejected.

Learned counsel for the petitioner submits that pursuant to public notice issued by respondent No.1 inviting applications from institutions for opening of new institutions, the petitioner had submitted its application on 31.12.2012 which was, however, returned unactioned on the ground that in the meanwhile, the Government of Haryana had written a letter dated 01.01.2013 not to permit opening of such institutions in the State.

Learned counsel for the petitioner submits that after a gap of about 2 years, the petitioner upon learning about similar applications being processed had resubmitted its applications to respondent No.2 on 30.05.2015, which has been rejected by the impugned order dated

17.06.2015.

Learned counsel for the petitioner submits that in view of the admitted position that the respondents have themselves taken a decision to process the applications of all those institutes which had submitted applications seeking recognition before the date of imposition of ban by the respective State, the impugned order is liable to be set aside. Learned counsel for the petitioner also places reliance on decision dated 20.02.2018 passed by this Court in W.P.(C) No.1593/2018.

Issue notice. Ms.Monika Arora, Advocate accepts notice for the respondents and fairly does not oppose the petition.

Accordingly, the writ petition is allowed and the impugned order dated 17.06.2015 is set aside and the matter is remanded back to respondent No.2. Subject to the petitioner's meeting other eligibility criteria, the respondent No.2 will process the application of the petitioner within six weeks by ignoring the fact that there was a ban by State of Haryana for opening of new colleges.

Needless to say that the present order has been passed without prejudice to the rights and contentions of both the parties.

In case, the petitioner is still aggrieved by any order passed by the respondents, it will be entitled to take legal recourse as permissible under law.

The petition is disposed of in the above terms.

REKHA PALLI, J

MARCH 07, 2018/gm