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

+ **W.P.(C) 1988/2018**

SIRI BHAGWAN COLLEGE OF EDUCATION Petitioner

Through **Mr.Sanjay Sherawat, Adv.**

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION

& ANR

..... Respondents

Through **Mr.Karan Sharma, Adv. with
Mr.Rohit, Adv. & Mr.Ranjeet
Pandey, Adv.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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22.05.2018

Vide the present petition, the petitioner has impugned the order dated 30th December, 2015 passed by respondent no.2, whereby its application for grant of recognition for D.El.Ed. course, has been rejected on various grounds, including the ground of a ban imposed by the Government of Haryana on opening of new Institutes. The impugned order also shows that one of the other grounds for rejecting the petitioner's application was that the petitioner's land was on a private land.

Learned counsel for the petitioner submits that, after the passing of the impugned order, the petitioner has already got a sale deed executed on 11th April, 2018.

Learned counsel for the respondents submits that the present

petition is not maintainable as the petitioner has not availed the statutory remedy of appeal to respondent no.1.

After some arguments, learned counsel for the petitioner concedes that the petitioner has not availed the statutory remedy of appeal provided under Section 18 of the NCTE Act and he, therefore, seeks leave to withdraw the present petition with liberty to file an appeal before respondent no.1. He, however, prays that keeping in view the peculiar facts of the case, especially the admitted position that till November, 2017, the respondents were not entertaining applications from Institutions where there was a ban imposed by the State Government, the delay in filing the appeal may be condoned.

Learned counsel for the respondents does not oppose the aforesaid request of learned counsel for the petitioner.

Accordingly, the petition is dismissed as withdrawn with liberty to the petitioner to file a statutory appeal before respondent no.1. It is made clear that in case an appeal is filed by the petitioner within two weeks from today, the same will not be rejected on the ground of delay and will be considered by respondent no.1 on its own merit. The respondent no.1 is directed to pass a reasoned and speaking order deciding the petitioner's appeal as per the procedure prescribed.

Needless to say in case the petitioner is aggrieved, it will be open for the petitioner to take legal recourse as permissible under law.

Dasti under signatures of Court Master.

MAY 22, 2018/aa

REKHA PALLI, J

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

+ **W.P.(C) 5543/2018**

SWAMI DAYANAND COLLEGE OF EDUCATION

..... Petitioner

Through: Mr.Sanjay Sharawat, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondents

Through: Ms.Arunima Dwivedi, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 22.05.2018

The petitioner/Institute is aggrieved by the letter dated 28.08.2013, whereby its application dated 31.12.2012 for grant of recognition of the B.Ed. course, was returned unactioned by the respondents. The petitioner has, therefore, sought a direction to the respondents to process its application for grant of recognition of the B.Ed. course, without any reference to the subsequent ban imposed by the State of Haryana for opening of such institutes.

Learned counsel for the petitioner submits that the aforesaid application was returned unactioned by respondent no.2 only on the ground of a subsequent ban imposed by the State of Haryana for opening of new institutes for the B.Ed. course during that period.

Learned counsel for the petitioner submits that, it is an admitted position that the respondents in their meeting held on 20.11.2017, had decided to process the applications of those institutes, which were submitted before the imposition of the State ban and were covered by the un-amended NCTE Regulations 2009. He, therefore, submits that there is no reason why the petitioner's application should also not be considered on its own merits by ignoring the subsequent ban imposed by the State of Haryana. He places reliance on the various orders passed by this Court, in similar circumstances directing the respondents to process the application of those institutions, which had been submitted before the imposition of the State ban.

Issue notice. Ms.Arunima Dwivedi, Advocate, who appears on advance notice for the respondents, fairly submits that she does not wish to file any counter affidavit and is unable to dispute the submissions made by learned counsel for the petitioner.

Learned counsel for the respondents, however, submits that keeping in view the fact that the petitioner's application was returned over 4 years ago, the respondents may be given adequate time to examine and process the same as per law.

Subject to the petitioner depositing Rs.50,000/- with Delhi High Court Bar Association Advocates Welfare Trust, the writ petition is allowed and the matter is remanded back to the respondent no.2, for reconsideration of the petitioner's application.

Subject to the petitioner meeting all other prescribed eligibility

criteria, the respondents are directed to reconsider the petitioner's application dated 31.12.2012 and dispose of the same by passing a reasoned and speaking order within twelve weeks from today.

It is made clear that the petitioner's application would not be rejected on the ground of subsequent ban imposed by the State of Haryana on opening of such educational Institutions.

The petition along with the pending application stand disposed of with the above directions.

The receipt for deposit of costs would be forwarded by the petitioner to the respondents along with a copy of this order.

REKHA PALLI, J

MAY 22, 2018

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