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

+ **W.P.(C) 2170/2018**

K.D. 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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09.03.2018

Vide the present petition, the petitioner has impugned the order dated 28.06.2016 passed by respondent No.2 whereby the petitioner's application dated 30.06.2015 for recognition for D.El.Ed. course was rejected on the ground that the copy of the NOC had not been submitted along with the application.

Learned counsel for the petitioner submits that despite efforts, the petitioner was able to receive the copy of the NOC from the affiliating body only on 30.03.2016. He submits that the same was duly forwarded to respondent No.2 on 28.05.2016 and, therefore, when the petitioner's application was taken up for consideration by respondent no.2, the copy of the NOC was available with respondent no.2. He submits that in these circumstances, the rejection of the petitioner's application was illegal. He relies on the decision of this Court dated 23.02.2017 passed in W.P.(C) No. No.3231/2016 titled

Rambha College of Education vs. National Council for Teacher Education & Anr. in support of his plea that where the NOC is submitted beyond the stipulated date but is available with the authorities before a final decision is taken, the delay in submission of the NOC ought to be condoned.

Issue notice. Ms.Monika Arora, Advocate who appears on advance notice for the respondents fairly submits that as the aforesaid decision of this Court in the case of Rambha College, has already attained finality, she does not oppose the present petition.

Subject to petitioner's depositing Rs.10,000/- with Delhi High Court Staff Welfare Fund, the writ petition is allowed and the impugned order dated 28.06.2016 is set aside. The matter is remanded back to respondent No.2 for reconsideration of the petitioner's application. Subject to the petitioner meeting other eligibility criteria, the respondent No.2 will process the application of the petitioner within six weeks by taking into account the NOC dated 30.03.2016 issued by the Bihar School Examination Board, Patna.

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 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 09, 2018

gm