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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 15.05.2018

+ W.P.(C) 2175/2018
K.D. COLLEGE OF EDUCATION Petitioner
Through: Mr.Sanjay Sharawat with
Mr.Divyank Rana, Advs.
versus
NATIONAL COUNCIL FOR TEACHER EDUCATION AND
ANR. Respondents
Through: Ms.Arunima Dwivedi, Standing
Counsel.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

JUDGMENT

REKHA PALLI, J (ORAL)

1. Vide the present petition, the petitioner impugns order dated 07.08.2015 passed by respondent No.2, whereby the petitioner's application for grant of recognition for D.El.Ed. course was rejected mainly on the ground that the State Government had imposed a ban. Learned counsel for the respondents, while not denying that the petitioner/institute was not granted recognition on account of the ban imposed by State of Haryana, contends that the petitioner having not given any reply to the show-cause notice, the action of the respondent no.2 in rejecting the petitioner's application cannot be faulted. She also contends that the petitioner having not exhausted the statutory remedy of Appeal, the present petition is not maintainable.

2. A perusal of the impugned order indeed shows that the petitioner was served with a show-cause notice dated 25.02.2014, to which no reply was submitted by the petitioner.

3. Learned counsel for the petitioner contends that, since the only ground taken in the show-cause notice was that there was a ban imposed by the State of Haryana on the opening of such institutions, no useful purpose would have been served by replying to the show-cause notice. I find merit in the aforesaid contention of learned counsel for the petitioner as it is an admitted position that at the relevant time, the respondents were not granting recognition to any institution in respect of such courses where there was a ban by the concerned State Government.

4. After some arguments, learned counsel for the petitioner concedes that the petitioner has not exhausted the statutory appellate remedy provided under Section 18 of the NCTE Act. In these circumstances, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to approach respondent No.1 by way of filing a statutory appeal along with an application for condonation of delay in filing the appeal.

5. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to file an appeal before the statutory appellate body under the NCTE Act. It is made clear that, in case such an appeal is preferred by the petitioner, within a period of two weeks along with an application for condonation of delay, the same would be considered by the appellate authority on its own merits,

keeping in view the facts noted in the present order as also the various decisions of this Court.

6. Needless to say that in case the petitioner is still aggrieved by the order of the concerned statutory appellate body, it will be at liberty to take legal recourse as permissible under law.

MAY 15, 2018
gm

REKHA PALLI, J

