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

+ W.P.(C) 2213/2018

COLLEGE OF MODERN EDUCATION

..... Petitioner

Through: Mr.Sanjay Sharawat with Mr.Divyank
Rana, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondents

Through: Mr.Aditya Raina, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **15.05.2018**

After some arguments, learned counsel for the petitioner concedes that the petitioner has not availed the statutory remedy of appeal under Section 18 of the NCTE Act. He however, contends that in the facts of the present case, there was no requirement to file an appeal, since the respondent No.2 had initially in its meeting held on 03.03.2016 granted approval to the petitioner for running D.El.Ed. course, which permission was thereafter recalled in its emergent meeting held on 15 to 17th March, 2016.

Learned counsel for the respondent while seeking time to file counter affidavit, also contends that the present petition is not maintainable since the petitioner has not availed the alternate remedy.

In view of the stand taken by learned counsel for the respondents, learned counsel for the petitioner 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 facts of the case, the delay in filing the appeal may be condoned and the respondents may be directed to deal with an appeal in an expeditious manner.

Having heard learned counsel for the parties, I am of the view that there is merit in the contention of learned counsel for the petitioner since the impugned order itself shows that the initial recognition granted to the petitioner was subsequently recalled only on the ground of ban imposed by the State of Haryana. In these circumstances, while granting liberty to the petitioner to file a statutory appeal within two weeks, it is directed that if an appeal is filed by the petitioner within two weeks, the same would be decided by respondent No.1 on its own merits and would not be rejected on the ground of delay.

The petition is accordingly disposed of as not pressed with liberty to the petitioner to file an appeal before respondent No.1 within two weeks; who will then consider the same in an expeditious manner, on its own merits and pass a reasoned and speaking order within a period of six weeks, after following the prescribed procedure.

Needless to say that in case the petitioner is still aggrieved, it will be at liberty to take legal recourse as permissible under law.

DASTI.

REKHA PALLI, J

MAY 15, 2018

gm