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

+ **W.P.(C) 2876/2018**

APEEJAY STYA UNIVERSITY

..... Petitioner

Through Mr.H.L.Tiku, Senior.Adv with
Ms.Yashmet Kaur, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondent

Through Ms.Arunima Dwivedi with Ms.Preeti
Kumra, Adv for R-1&2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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06.04.2018

Vide the present petition, the petitioner, has impugned the decision taken by respondent no.2 in its meeting held on 27.02.2017 to 03.03.2017, whereby the petitioner's application for grant of recognition of B.A.B.Ed/ B.Sc. B.Ed four years integrated course, has been rejected.

Learned Senior Counsel for the petitioner submits that the impugned order is based on two primary grounds. The first ground being that after the petitioner had submitted its application for starting the aforesaid course in its institution in Gurgaon, Haryana, the State Government of Haryana had vide its letter dated 12.04.2016 banned the opening of new B.A.B.Ed/ B.Sc. B.Ed Institutes in the State. The ground being that the petitioner had till date not submitted the

approved building plans duly signed by competent Government authority indicating the name of the course, name of the institution, Khasra No./Plot No., total area, total built-up area and the measurements of the multi-purpose hall as well as the other infrastructural facilities such as class rooms etc.

At the outset, Learned Senior Counsel for the petitioner concedes that the petitioner has not preferred any appeal against the impugned decision to the respondent no.1, as per, the statutory regulations. He, however, submits that despite the petitioner having duly submitted the approved building plan, the same was erroneously ignored by the respondent no.2. He further submits that in view of the subsequent decision taken by the respondent no.2 itself, that application for setting up of the new institution submitted before the imposition of ban, should be considered on its own merits by ignoring the ban, the impugned order is liable to be set aside. Mr.Tiku submits that in view of the fact that the petitioner has not preferred a statutory appeal to respondent no.1, he may be granted liberty to approach respondent no.1, who may be directed to decide the appeal expeditiously by ignoring the ban imposed by State of Haryana.

Issue notice. Ms. Arunima Dwivedi accepts notice and does not oppose the aforesaid prayer made by learned senior counsel for the petitioner.

Accordingly, the petitioner is granted liberty to approach the respondent no.1 by way of an appeal within one week. It is directed that, in case, such an appeal is made by the petitioner impugning the decision of respondent no.2 within one week, the same shall be

disposed of by the respondent no.1 within six weeks from today by passing a reasoned and speaking order, while considering the earlier decisions of this Court, wherein it has been reiterated that applications of institutions submitted before the imposition of State ban, could not be rejected on the ground of the subsequent imposition of ban by the State Government. It is made clear that in case an appeal is filed by the petitioner within 10 days the same would be considered on its own merits and would not be rejected on the ground of limitation.

Needless to say, in case, the petitioner is still aggrieved by the decision taken by respondent no.1, it will be open for the petitioner to take legal recourse as permissible under law.

The writ petition is disposed of in the above terms with no order as to costs.

REKHA PALLI, J

APRIL 06, 2018

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