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

+ **W.P.(C) 3209/2018**

LNT COLLEGE OF EDUCATION

..... Petitioner

Through: Mr.Rabi Kumar with Mr.Abhishek
Singh, Mr.Himanshi Saini &
Ms.Priyanka, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR

..... Respondents

Through: Ms.Arunima Dwivedi, Standing
Counsel with Ms.Preeti Kumra &
Ms.Swati Jhunjunwala, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.04.2018

Vide the present petition, the petitioner impugns an order dated 02.05.2016 passed by respondent No.2 whereby the petitioner's application for grant of recognition for B.Ed. course was rejected.

Learned counsel for the petitioner submits that in the show cause notice received by the petitioner, some minor discrepancies had been pointed out by the respondent No.2 and even though the petitioner had the requisite answers thereto, its reply thereto to the show cause notice was not accepted due to the ban imposed by the State of Haryana in the intervening period. He, however, concedes that the petitioner has not filed any statutory appeal under Section 18

of the NCTE Act impugning the aforesaid order.

After some arguments, learned counsel for the petitioner submits that he may be granted leave to withdraw the present petition with liberty to file a statutory appeal impugning the order dated 02.05.2016. He, however, prays that keeping in view the fact that the petitioner could not have filed an appeal at an earlier stage, since the respondents were admittedly not processing applications of those institutes, where a ban has been imposed by the respective State Governments, the respondents may be directed to consider the petitioner's appeal on its own merit, instead of rejecting the same on the ground of delay.

Ms.Dwivedi, Advocate who appears on advance notice for the respondents, does not oppose the aforesaid limited prayer made by learned counsel for the petitioner.

Accordingly, the present petition and application are dismissed as withdrawn with liberty to the petitioner to file an appeal before the respondent No.1 challenging the order dated 02.05.2016 passed by respondent No.2. It is made clear that in case an appeal is filed by the petitioner within three weeks, the same would be considered on its own merit by respondent No.1 and would not be rejected on the ground of limitation. While dealing with the appeal, the respondents will also keep in mind the various decisions of this Court and their decision dated 20.11.2017 and 27.11.2017.

Needless to say in case the petitioner is aggrieved by the order passed by respondent No.1, it will be entitled to take legal recourse as per law.

REKHA PALLI, J

APRIL 18, 2018
gm