

\$~28

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

+ **W.P.(C) 3423/2018**

JEEVAN JYOTI INSTITUTE OF EDUCATION Petitioner

Through: Mr.Sanjay Sharawat, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR

..... Respondents

**Through: Ms.Arunima Dwivedi, Standing
Counsel with Ms.Preeti Kumra, Adv.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 12.04.2018

Vide the present petition, the petitioner has impugned dated 30.12.2015 whereby the petitioner's application for grant of recognition for conducting D.El.Ed. course. was rejected.

Learned counsel for the petitioner submits that the said refusal under Section 14/15(3)(b) of NCTE Act, 1993, was passed by respondent No.2 by erroneously applying the NCTE Regulations, 2014, even though the petitioner's application for seeking grant of recognition was made much prior thereto i.e. on 27th December, 2012. He draws my attention to an order dated 21.02.2018 passed by the Division Bench in W.P.(C) No.1573/2018 wherein the specific stand of the respondents therein was recorded that in respect of applications made prior to the amendment of the Regulations in 2014, the respondent would undertake a re-scrutiny of the application of the

petitioner therein by applying the regulations which were vogue prior to 2014.

Though Ms.Arunima Dwivedi, Advocate appearing for the respondents is unable to dispute the aforesaid position, she contends that since the petitioner has not exhausted its appellate remedy, the matter, instead of being remanded back to respondent No.2 for reconsideration on basis of the Regulations of 2009, the petitioner should be relegated to exercise its appellate remedy under Section 18 of the NCTE Act.

Having considered the rival contentions of the parties, I am of the considered opinion that in view of the specific stand taken by the respondents themselves before the Division Bench, that applications made before the notification of Regulations dated 01.12.2014, would be reconsidered on basis of Regulations in vogue prior to the said date, no purpose would be achieved by relegating the petitioner to file an appeal before respondent No.1, which is, in any event, the appellate authority of respondent No.2 itself.

Even otherwise, any appeal filed at this stage, would be time barred and, therefore, in my considered opinion, the interest of justice demands that the respondents should be bound by their statement made before the Division Bench as noted hereinabove. The impugned order dated 30.12.2015 is set aside and the matter is remanded back to respondent No.2 to reconsider the same in accordance with the Regulations of NCT Regulations 2009. The said consideration would be undertaken by respondent no.2 within four months from today.

Needless to say that the said application would be considered on its own merits and in case, the petitioner is aggrieved by the said decision, it will be open for the petitioner to challenge the said order by exercising its remedy of statutory appeal.

The petition is disposed of in the above terms.

REKHA PALLI, J

APRIL 12, 2018
gm