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

+ **W.P.(C) 4365/2018**

**H.L. GIRLS DEGREE COLLEGE** ..... Petitioner  
Through Mr.Mayank Manish with Mr.Ravi  
Kant, Advs.

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.**  
..... Respondent  
Through Ms.Arunima Dwivedi, S.C. with  
Ms.Preeti Kumra, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

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**27.04.2018**

Vide the present petition, the petitioner/institute is seeking quashing of the orders dated 27.02.2018 and 02.02.2017 passed by respondent no.1 and 2 respectively.

Learned counsel for the petitioner submits that the petitioner's application dated 29.06.2015 seeking recognition for D.El.Ed. course was initially rejected by respondent no.2 on 02.02.2017 only due to non-submission of the Non-Encumbrance Certificate (NEC) alongwith the online application. He submits that the petitioner received the said certificate from Deputy Collector Tehsil Koil, District Aligarh only on 16.02.2017, whereafter, the same was duly submitted alongwith its appeal dated 21.04.2017 to respondent no.1. He submits that the respondent no.1, instead of taking cognizance of the said NEC while deciding the petitioner's appeal, has vide the

impugned order dated 27.02.2018 rejected the same only on the ground that the said certificate was submitted belatedly and not with the online application as required under the NCTE Regulations.

He places reliance on the decision dated 23.02.2017 of this Court in the case of ***Rambha College of Education vs. NCT and Ors.***, to contend that while dealing with a similar issue regarding submission of NOC from the affiliating body at the time of consideration of the appeal, this Court had after examining all the relevant regulations of the respondents, come to a conclusion that even if the NOC is made available at the appellate stage, the same should be considered. He, thus, contends that the ratio of the aforesaid decision is also applicable to the present case, where the petitioner's application was rejected in similar circumstances for want of NEC which was admittedly submitted at the appellate stage.

Ms.Arunima Dwivedi, learned counsel, who appears on advance on notice for the respondents fairly states that the SLP challenging the decision in the case of ***Rambha College of Education*** (*supra*) stands dismissed and the same has, thus, attained finality. There is also no denial by the respondent that the present case is squarely covered by the decision in the case of ***Rambha College of Education*** (*supra*). Accordingly, the impugned orders dated 27.02.2018 and 02.02.2017 passed by respondent no.1 and 2 respectively are quashed.

Subject to the petitioner meeting all other eligibility criteria, the respondents are directed to process the petitioner's application dated 29.06.2015 within 12 weeks, by ignoring the fact that the NEC was

submitted belatedly by the petitioner.

The writ petition is allowed with the aforesaid directions.

**REKHA PALLI, J**

**APRIL 27, 2018**

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