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

+ W.P.(C) 4633/2018 & C.M.No.17875/2018

LOKMANI MEMORIAL DEGREE COLLEGE Petitioner

Through Mr.Sanjay Sharawat, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR

..... Respondent

Through Mr.Karan Sharma, Adv for R-1 and 2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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11.05.2018

Vide the present petition, the petitioner/institute impugns the order dated 25.01.2018, whereby the petitioner's recognition for D.El.Ed course, has been withdrawn by the respondent no.2 i.e. Northern Regional Committee, National Council for Teacher Education.

Learned counsel for the petitioner submits that the said order is based on a complaint made by one Dr.Navneet Kumar Singh, who was the Head of Department (HOD) for conducting B.Ed course in the petitioner/institute. He submits that based on the complaint by Dr.Navneet Kumar the respondents had issued a show cause notice to the petitioner which was duly replied by the petitioner, clarifying the position that Dr.Navneet was the HOD of B.Ed. Course and had nothing to do with the D.El.Ed course, in respect whereof one

Ms.Sunita Rani was the HOD. He submits that thus even respondent no.2 could initiate any action for withdrawal of recognition, it could be only in respect of B.Ed course, whereas the respondents have without applying their mind to the issue, unilaterally withdrawn the recognition granted to the petitioner in respect of D.El.Ed course.

After some arguments, learned counsel for the petitioner concedes that he has not preferred a statutory appeal under section 18 of the National Council for Teacher Education (NCTE) Act and, therefore, submits that the petitioner may be granted leave to withdraw the present petition with liberty to file an appeal to the respondent no.1 within two weeks.

It is accordingly directed that, in case, an appeal is filed by the petitioner within a period of two weeks, the same would be considered on its own merit and would not be rejected on the ground of being time-barred.

In view of the fact that the impugned order shows clear non-application of mind, learned counsel for the petitioner prays for operation of the stay of the withdrawal order dated 25.01.2018 passed by respondent no.2, till the respondents decide the appeal proposed to be filed by the petitioner. He places reliance on order dated 19.06.2017 passed by a coordinate Bench of this Court in W.P.(C) No.5311/2017 titled as ***Lord Krishna Institute for Education vs. National Council for Teacher Education & Anr.***

Having considered the submissions of learned counsel for the parties, I find that the petitioner has been running the D.El.Ed course from the last two years and grave prejudice would be caused to the

petitioner, in case, the operation of the impugned order withdrawing its recognition for D.El.Ed Course is not stayed till the time its appeal is decided by respondent no.1. Accordingly, keeping in view the peculiar facts of the case, it is directed that till the petitioner's appeal is decided by the respondent No.1, the operation of the withdrawal order dated 25.01.2018 will remained stayed.

It is made clear that, in case, no appeal is preferred by the petitioner within time so granted, the interim order will automatically stand vacated.

The writ petition alongwith pending application stands dismissed as withdrawn.

REKHA PALLI, J

MAY 11, 2018

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