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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5110/2018 & C.M. No. 19755/2018

RAJA RAMMOHAN ROY TEACHERS TRAINING INSTITUTE

..... Petitioner

Through Mr.Vishesh Wadhwa with Mr.Pranav
Rishi, Advs.

versus

NATIONAL COUNCIL FOR TEACHERS EDUCATION & ANR

..... Respondent

Through Ms.Arunima Dwivedi, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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29.05.2018

Vide the present petition, the petitioner, has sought quashing of the orders dated 18.01.2017 and 16.03.2018, whereby the petitioner's/institute's appeal had been rejected by respondent no.1.

Learned counsel for the petitioner submits that even though the No Objection Certificate (NOC) was duly submitted to the Appellate Authority i.e. respondent no.1, the same had not been considered by it only on the ground that the said NOC had not furnished in response to the show-cause notice dated 22.10.2015 issued by the respondent no.2. Mr.Wadhwa, submits that while rejecting the petitioner's appeal, the respondent no.1 has ignored the various decisions of this Court, wherein it has been categorically held that, in cases where any further documents are presented before the Appellate Authority, the same should be duly considered by the Appellate Authority before passing an order in the appeal.

On the last date, Ms.Arunima Dwivedi, learned counsel for the

respondents had, requested for time to get instructions.

Today, Ms.Dwivedi, though not denying that the respondents had not considered the aforesaid NOC, while considering the petitioner's appeal contends that the petitioner is to be squarely blamed for the same as the petitioner despite being in possession of the NOC w.e.f. 27.06.2015 itself had not furnished the same to the respondent no.2.

She further submits that in these circumstances even if the matter is remanded back to the respondent no.1 for reconsideration of the appeal, the petitioner should be put to terms.

Having heard learned counsel for the parties, I am of the considered view that even if the petitioner was at fault in not furnishing the NOC in response to the show-cause notice issued by the respondent no.2, once the said NOC was very much available with the appellate authority at the time of deciding the petitioner's appeal, the same ought to have been considered. The issue regarding the requirement to consider subsequent documents as made available to the Appellate Authority, already stands settled by the decision of this Court in ***Rambha College of Education vs. NCT and Ors.***, which has already attained finality.

Accordingly, the impugned orders dated 18.01.2017 and 16.03.2018 are hereby quashed and the matter is remanded back to respondent no.1 to reconsider the petitioner's appeal and pass a reasoned and speaking order by following the due procedure within 12 weeks from today.

The petition is allowed subject to payment of cost of Rs.

50,000/- to the learned counsel for the respondents.

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

MAY 29, 2018/sr

REKHA PALLI, J