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

+ W.P.(C) 5262/2018 & C.M. No.20403/2018

SWARGIYA SHRI BHAGWAN SINGH SHARMA SHIKSHA
PRASAR SAMITI AND ANR. Petitioners

Through Mr.Amitesh Kumar, Adv. with
Ms.Binisa Mohanty, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
AND ANR. Respondents

Through Mr.Karan Sharma, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.06.2018**

Vide the present petition, the petitioners have sought a direction to respondent no.1 to decide its statutory appeal dated 3rd February, 2018 in an expeditious manner.

Learned counsel for the petitioners submits that though the petitioners' appeal was fixed for hearing on 6th April, 2018, the petitioners' representative could not appear before the Appellate Committee due to a curfew in Gwalior region. He draws my attention to the order dated 6th April, 2018 passed by the High Court of Madhya Pradesh in WP (C) No.9007/2016 wherein it had been categorically recorded that the respondent no.4 therein (who is stated to be the president of the petitioner/Society), was not able to appear before the Court, on the said date on account of curfew imposed in the area. He,

therefore, submits that the petitioners could not be faulted for not appearing before the Appellate Committee i.e. respondent no.1 on 6th April, 2018 i.e. the date fixed. He, however, submits that in view of the petitioners' inability to appear before the Appellate Committee, due to the aforesaid compelling circumstances, the respondent no.1 ought to have fixed a fresh date for hearing on the petitioners' appeal but the same has not been done despite repeated requests by the petitioner which has not been done even though seven meetings of the Appellate Committee have been held after 6th April, 2018 wherein Appeals of other Institutes have been considered.

On the last date, the matter was adjourned to enable learned counsel for the respondents to inform the Court as to the next date of hearing of the appeal. Today, Mr.Karan Sharma, learned counsel for the respondents submits that he is unable to state as to when the next meeting of the Appellate Committee would be held.

In these circumstances, learned counsel for the petitioners submits that the impugned withdrawal order should be stayed till a decision on the petitioners' appeal is taken by the respondent.

He further submits that the show cause notice issued to the petitioners referred to cancellation of only one out of the two units whereas the impugned withdrawal order withdraws the recognition for both the units.

Having considered the submissions of learned counsel for the parties, I am of the considered view that in the peculiar circumstances of the case, the petitioners cannot be penalised for not being able to appear before the Appellate Committee on 6th April, 2018 and,

accordingly, while directing the respondents to consider the petitioners' appeal in the next scheduled meeting of the respondent no.1, it is directed that the impugned withdrawal order in so far as it relates to one unit comprising 50 seats, would remain stayed.

Needless to say that the said stay of the withdrawal order of first unit will operate till a final decision is taken by the respondents in the petitioners' appeal.

It is further made clear that this Court has not examined the merits of the petitioners' claim. In case the petitioners are aggrieved by any order passed by respondent no.1, it will be open for the petitioners to take legal recourse as permissible under law.

The petition and pending application is disposed of in the aforesaid terms.

REKHA PALLI, J

JUNE 01, 2018/aa