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

+ **W.P.(C) 5296/2018**

MADHAV MAHAVIDYALAY

..... Petitioner

Through: Mr. Mayank Manish, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondents

Through: Mr. Shivam Singh, Mr. Aditya
Raina & MR. Arjun, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.05.2018

Vide the present petition, the petitioner impugns order dated 13.12.2017 passed by the respondent No.1, whereby the respondent no. 1 has rejected the petitioner's appeal against the order dated 02.05.2016 passed by respondent no.2.

Learned counsel for the petitioner submits that, while the petitioner had submitted an application seeking recognition for two units, the respondent no. 2 had vide its order dated 02.05.2016 granted recognition for running only one unit of the D.El.Ed course without passing any order in respect of the second Unit. He submits that after the petitioner had made various representations to the respondent no.2 requesting it to take a decision in respect of his prayer for the second unit, the petitioner being left with no other

option had preferred an appeal to the respondent no. 1, which has been dismissed on the ground of delay.

Learned counsel for the petitioner contends that respondent no. 1, while dismissing the petitioner's appeal, has failed to consider the fact that the respondent no. 2 had, despite the petitioner's repeated requests, till date not passed any order in respect of the second unit.

Mr. Mayank places reliance on a decision of this court in the case of *Ram Dei Ram Chandra Memorial Shikshan Sansthan vs. National Council For Teacher Education & Anr*, W.P. (C) No. 4312/2018.

Mr. Shivam Singh, learned counsel who appears on advance notice for the respondents, is unable to dispute the position that the matter is squarely covered by the earlier decision of this Court and it was, therefore, incumbent upon the respondents to pass an order in respect of the second Unit also.

Having heard the learned counsels for the parties, I am of the considered opinion that, in view of the admitted position that till date no order has been passed in respect of the second Unit, the impugned order dated 13.12.2017 is wholly unsustainable. Accordingly, the order dated 13.12.2017 is set aside and the matter is remanded back to the respondent no. 2 for considering the petitioner's request for seeking recognition of the second Unit for D.El.Ed. course. The respondent no.2 is directed to decide the petitioner's aforesaid request by passing a reasoned and speaking order within six weeks.

Needless to say, in case, the petitioner is still aggrieved by the order passed by the respondents, it will be open to it to take legal

recourse as permissible under law.

The present petition stands disposed of in the above terms.

REKHA PALLI, J

MAY 18, 2018

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