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

+ W.P.(C) 6685/2018 and CM No. 25423/2018

ARYAWART COLLEGE OF EDUCATION Petitioner

Through : Mr. Sanjay Sharawat with Mr. Divyank
Rana, Advocates.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR

..... Respondents

Through : Ms. Preeti Kumar for Ms. Arunima
Dwivedi, Standing Counsel for
NCTE, Respondent no.1.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **25.06.2018**

Vide the present petition, the petitioner has impugned the decision taken by the respondent no.2 in its meeting dated 5th /8th June, 2018 whereby its application dated 13th December, 2012 for grant of recognition for running D.El.Ed course has been rejected on the ground that the registration of the land had taken place on 11th July, 2016 i.e. much after the petitioner had submitted its online application.

Learned counsel for the petitioner submits that the issue in the present petition is already covered by various decisions of the Division Bench as also the Single Bench of this Court which have been ignored by the respondent while passing the impugned order.

Issue notice.

Ms. Preeti Kumar, Advocate, accepts notice on behalf of the respondents, waives opportunity to file a reply. She submits that the present petition is premature as the petitioner has not availed the statutory remedy available under the NCT Act. However, on a pointed query by the court as to when the appeal filed by the petitioner against the impugned order could be taken up for hearing, she insists that the appeal cannot be taken up for hearing before August, 2018.

In my view, once the respondents have taken a decision, which is contrary to various decisions including orders passed in WP (C) 1358/2018 and WP(C) 5751/2018 wherein this Court has repeatedly reiterated that a document which is made available to the respondent at the time of consideration of the application of the institute ought to be considered before taking a final decision, even if the same was not submitted at the time of online submission of the application, it is evident that the petitioner's application has been erroneously rejected by respondent no.2. In these circumstances, the petitioner cannot be left at the mercy of the respondent to decide its appeal so as to deprive the petitioner of the opportunity to admit students in the academic year 2018-19. Keeping in view the stand taken by the respondent, the decision taken by the respondent no.2 in its meeting dated 5th /8th June, 2018 qua the petitioner is quashed and respondent no.2 is directed to reconsider the petitioner's application within a period of two weeks.

Needless to say that while reconsidering the petitioner's application dated 13th December, 2012, the respondent no.2 will take

into consideration the settled legal position as reiterated in the
aforementioned orders passed in WP(C)1358/2018 and WP(C)
5751/2018 and will not reject the same on the ground that the
registration of land in petitioner's favour had taken place after the
submission of its online application.

The Writ petition is disposed of in the aforesaid terms with no
order as to costs.

REKHA PALLI
(VACATION JUDGE)

JUNE 25, 2018
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