

\$~15

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

+ **W.P.(C) 3021/2017**

ANAND COLLEGE OF EDUCATION Petitioner
Through **Mr.Mayank Manish, Adv.**

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION
AND ANR** Respondents
Through **Mr.Karan Sharma, Adv. for R-
1/NCTE.**

**CORAM:
HON'BLE MS. JUSTICE REKHA PALLI**

ORDER
% **23.05.2018**

Vide the present petition, the petitioner impugns the decision taken by respondent no.2, in its meeting dated 11/12th July, 2016 whereby the respondents have approved grant of recognition only for one unit in D.El.Ed. course. Learned counsel for the petitioner submits that even though the respondents had not passed any specific order regarding the second unit for which approval was sought by the petitioner, the petitioner had still filed an appeal before the respondent no.1 which has been rejected vide order dated 3rd June, 2017, on the ground that the petitioner's affidavit did not support its aforesaid contention that it was seeking approval of two units.

Learned counsel for the petitioner 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.

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.

Learned counsel for the respondents while opposing the petition on the ground that once the affidavit of the petitioner did not support the application for grant of two units, the action of the respondents cannot be faulted, does not dispute the position that this Court has already held in a number of decisions, that it was 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 by respondent no.2 in respect of the second Unit, the impugned order of Eastern Regional Committee of the NCTE taken in its meeting held between 11/12th July, 2017 as also the order dated 3rd January, 2017, dismissing the petitioner's appeal, are wholly unsustainable. Accordingly, the decision of order dated 3rd January, 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 twelve weeks.

The petition is disposed of in the aforesaid terms.

Needless to say, in case the petitioner is aggrieved, it will be open for the petitioner to take recourse as permissible under law.

REKHA PALLI, J

MAY 23, 2018/aa