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

CM No.5432/2019 in

+ W.P.(C) 7533/2018

TARAKNATH COLLEGE OF EDUCATION..... Petitioner

Through: Mr. Kunal Chatterji, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND
ANR. Respondents

Through: Mr. Karan Sharma and
Mr. Mohit Siwach, Advs. for
the applicant

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **06.02.2019**

CM No.5432/2019 (modification of order)

1. *Prima facie*, this application is capricious in nature.
2. The order passed by this Court, of which Respondent No.1 seeks modification, was completely innocuous. All it directed was that, in view of the fact that there were difficulties in filing the appeal online the petitioner should be permitted to file a hard copy of the appeal and that the Appellate Committee should consider the hard copy and take a decision thereon.
3. Learned counsel for the petitioner submits that, as attempts to file the appeal the appeal online did not fructify, he sent the hard copy to the respondent on 4th December, 2018. He submits that he is also in

possession of the material to show that the online system of the respondent was not working. He further submits that it was only on 31st January, 2019, when the petitioner personally visited the Respondent No.1, that the online system was rectified, as a result whereof he was able to file the appeal online on 31st January, 2019.

4. In the process, two months have passed without any compliance, with the order passed by this Court on 22nd November, 2018.

5. This application seeks a modification of the said order dated 22nd November, 2018, to the effect that the petitioner should be directed to file the appeal online.

6. *Prima facie*, it appears that the application is a lefthanded method of trying to secure condonation of the non-compliance, by the petitioner, with the order dated 22nd November, 2018.

7. Learned counsel for the petitioner further submits that the next meeting of the Appellate Committee is scheduled to be held on 16th, 18th and 19th February, 2019, by avoiding compliance with the order dated 22nd November, 2018, the respondents have not placed his appeal for consideration before the Appellate Committee on the said dates.

8. The matter appears to be serious, and in case this Court comes to the view that there has been a deliberate attempt at avoiding

compliance to the order dated 22nd November, 2019, serious consequences may ensue.

9. I have therefore put it to learned counsel for the respondent as to whether it would be possible to put the petitioner's appeal for consideration in the forthcoming meeting to be held on 16th, 18th and 19th February, 2019, in which event, probably, the earlier lapse may be condoned.

10. Learned counsel seeks and is granted two days' time to take instructions on this aspect.

11. Renotify on 8th February, 2019.

Order be given *dasti* under the signature of the Court Master.

FEBRUARY 06, 2019/kr

C.HARI SHANKAR, J