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

+ W.P.(C) 7669/2018

DVM COLLEGE OF EDUCATION

..... Petitioner

Through Mr. Sanjay Sharawat, Mr. Divyank
Rana and Mr. Ashok Kumar,
Advocates.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

..... Respondents

Through Ms. Arunima Dwivedi, Standing
Counsel along with Ms. Preeti
Kumra, Advocates.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

% **25.07.2018**

The present petition instituted on behalf of the petitioner under
Article 226 of the Constitution of India, prays as follows:

*“a Pass an appropriate order and permit the
petitioner to resubmit its application for D.El.Ed
course with the respondent No. 2 which was
returned by the said respondent vide its letter
dated 15.10.2013; and*

*b Consequentially issue a writ of mandamus and
direct the respondent No. 2 to decide application
of the petitioner for grant of recognition for
D.El.Ed course strictly in accordance with the
procedure prescribed under the NCTE Act, 1993
read with NCTE Regulations, 2014.”*

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Issue notice.

Ms. Arunima Dwivedi, learned Standing Counsel appearing on behalf of the official respondents, accepts notice.

It is an admitted position that in the facts and circumstances of the case, the relief prayed for, is covered by an order dated 22.05.2018, in W.P. (C) 5454/2018, titled as '*Roa Deena Ram Vidya Vihar Shiksha Samiti Haluhera and Anr. vs. National Council For Teacher Education And Anr.*', passed by a learned Single Judge of this Court.

A perusal of the averments made on behalf of the petitioner reflects that the application submitted on behalf of the petitioner for grant of recognition of the D.El.Ed course was returned without consideration by the official respondents, in view of a ban imposed by the State of Haryana in relation to the opening of such institutes.

This Court vide the said order dated 22.05.2018 in '*Roa Deena Ram Vidya Vihar Shiksha Samiti Haluhera and Anr.*', (*supra*) directed as follows:

“Subject to the petitioner meeting all other prescribed eligibility criteria, the respondents are directed to reconsider the petitioner’s application dated 26.12.2012 and dispose of the same by passing a reasoned and speaking order within twelve weeks from today.

It is made clear that the petitioner’s application would not be rejected on the ground of subsequent ban imposed by the State of Haryana on opening of such educational Institutions.”

The above directions were predicated on the admitted position that the official respondents had, prior to the imposition of the State ban, taken a decision to process the applications of institutes, who had submitted the same before the imposition of the said State ban.

In view of the foregoing, the writ petition is allowed and the impugned letter dated 15th October, 2013 of the Regional Director, Northern Regional Committee is quashed and the same is disposed of with a direction to the official respondents to reconsider the petitioner's application dated 31st December, 2012 and dispose of the same by passing a reasoned and speaking order within twelve weeks from today. It is also made clear that the petitioner's application would not be rejected on the ground of subsequent ban imposed by the State of Haryana on opening of such educational Institutions.

The petitioner is, however, directed to deposit Rs.75,000/- with the Delhi High Court Advocates Welfare Trust.

SIDDHARTH MRIDUL, J

JULY 25, 2018

RS