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

+ **W.P.(C) 6531/2016**

**SWAMI VIVEKANAND B ED TEACHER
TRAINING COLLEGE**

..... Petitioner

Through Mr.Mayank Manish, Adv. with
Mr.Ravi Kant, Adv.

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION
AND ANR**

..... Respondents

Through Mr.Raghvendra Pandey, Adv. for
NCTE.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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28.02.2018

Vide the present petition, the petitioner has impugned the orders dated 2nd June, 2016 and 6th November, 2015, passed by respondent nos.1 & 2 respectively wherein the petitioner's request for grant of approval for the additional intake of fifty seats for the B.Ed. course, has been rejected only on the limited ground that the petitioner had not submitted a copy of the land documents to the respondent no.2 at the time of seeking recognition for this additional unit.

Learned counsel for the petitioner submits that in view of the fact that a running Institute had to only increase the built up area by 500 sq.mtrs., there is no mandatory requirement of having additional

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land. He draws my attention to para 6.1 of the National Council for Teacher Regulation, 2014 which reads as under:-

“6.1 Infrastructure

(1) The institutions shall possess 2500 sq. mts. (two thousand five hundred square meters) of exclusive well demarcated land for the initial intake of fifty students out of which 1500 sq. mts. (one thousand five hundred square meters) shall be the built up area and the remaining space for laws, playfields, etc. for an additional intake of fifty students, it shall possess additional land of 500 sqm. (five hundred square meter). For an annual intake beyond two hundred and upto three hundred, it shall possess land of 3500 sqm. (three thousand five hundred square metre). For the institutions established prior to this Regulations, for an additional intake of one hundred students, built up area is to be increased by 500 sqm (five hundred square metre) and the requirement of additional land may not apply to them.”

In support of his contention that the respondents have rejected the petitioner's application without proper application of mind, learned counsel for the respondents submits that once the petitioner was making a fresh application for running an additional unit of B.Ed. Course, it was mandatory for the petitioner to once again submit the land documents along with its fresh application for the additional units.

Having heard learned counsel for the parties, I am of the considered opinion that in view of the fact that the petitioner was already a running Institute, there may be some merit in the plea of the learned counsel for the petitioner, that the said requirement was

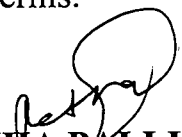
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superfluous, but keeping in view the specific directions by respondent no.2 to supply certain documents, the petitioner ought to have complied with the directions of respondent no.2. Even otherwise, once the petitioner was filing a statutory appeal under Section 18 of the NCTE Act with the respondent no.1, it ought to have supplied copies of the said documents demanded from it so that an appropriate decision could be taken in the appeal. At this stage, learned counsel for the petitioner prays that in the peculiar facts of the case, the petitioner may be granted one more opportunity to provide copies of the requisite documents to the respondents.

However, keeping in view the provisions of para 6.1 of the NCTE Regulations as also the fact that the petitioner's appeal has been rejected only on the ground of non-supply of documents demanded from him, copies of most of which were already available with the respondents, I deem it appropriate to grant one last opportunity to the petitioner to once again submit the requisite documents to the respondent no.2.

Accordingly, the orders dated 2nd June, 2016 and 6th November, 2015 passed by respondent no.1 & 2 respectively, are quashed. Upon the petitioner submitting the requisite documents within four weeks, the respondent no.2 will take a considered decision on the petition's application within eight weeks thereafter.

The petition is disposed of in the aforesaid terms.


REKHA PALLI, J

FEBRUARY 28, 2018/aa