

\$~28

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

+ **W.P.(C) 7572/2016**

MANOJ JAIN MEMORIAL 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
% **01.03.2018**

Vide the present petition, the petitioner has impugned the orders dated 23rd September, 2017 and 20th/21st May, 2015, passed by respondent nos.1 & 2 respectively to the extent that it denies the petitioner to grant two units of D.El.Ed. course. Learned counsel for the petitioner submits that the only ground on which the petitioner's application has been rejected was that the petitioner had not supplied documents like land document, Encumbrance Certificate (EC), Land Use Certificate (LUC) and the Building Plan (BP) in the specified proforma before 31st October, 2015. He submits that these documents were already in possession of the respondents since the respondent no.2 had itself granted admission to the petitioner/Institute to run one unit of D.El.Ed. course. He submits that once the documents

available with the respondents itself showed that the petitioner/Institute could run two units which fact was also endorsed by the visiting team, there was no justification on the part of the respondents to reject the petitioner's case by merely stating that it ought to have once again submitted the same documents, in support of its request for grant of recognition for the second unit.

On the other hand, learned counsel for the respondent submits that in view of the undisputed position that these documents were not filed even with the appeal before respondent no.1, clearly showing that the petitioner had failed to abide by the specific directions issued by the respondents, the petitioner is not entitled to any indulgence from this Court.

Having heard learned counsel for the parties and perused the record, I am of the considered opinion that though there may be some default on the part of the petitioner in not taking any action to once again to submit the documents, despite specific directions of the respondents, this Court cannot lose sight of the fact that the documents which the respondents had required the petitioner to submit, were already available with the respondents and while taking a decision on the petitioner's application for running the second unit of D.El.Ed. course, it was also incumbent upon them to examine the documents already on record. However, since the impugned orders have been passed only on this ground, I deem it appropriate to grant another opportunity to the petitioner to furnish all the requisite documents to the respondents who will then take a considered decision.

Accordingly, the impugned orders dated 23rd September, 2017 and 20th/21st May, are quashed and the petitioner is granted liberty to submit the requisite documents within two weeks, whereafter respondent no.2 will take a considered decision on the same on its merits within four weeks.

The writ petition is disposed of in the above terms with no orders as to costs.

Dasti.

MARCH 01, 2018/aa

REKHA PALLI, J