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

Date of Decision: 09.05.2018

+ **W.P.(C) No.4901/2017**

RANI GANESH KUNWARI PG COLLEGE Petitioner
Through Ms.Sakshi Kakkar, Adv. with
Mr.Shakti Singh, Adv.

versus

THE MANAGER SECRETARY, NATIONAL COUNCIL
FOR TEACHER EDUCATION & ANR. Respondent
Through Ms.Arunima Dwivedi, Adv.
with Ms.Preeti Kumra, Adv. for
R-1 & 2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. Vide the present petition, the petitioner has impugned the order dated 6th March, 2017, passed by respondent no.1 whereby the petitioner's appeal has been rejected on the sole ground that the compliances sought by respondent no.2 from the petitioner for submitting list of duly approved faculty, were submitted after the cut-off date. The petitioner has also impugned the order dated 2nd September, 2016 passed by respondent no.2, rejecting its application for grant of

recognition for D.El.Ed. (Add.) Course for want of approved faculty list.

2. Learned counsel for the petitioner submits that the petitioner was unable to submit the approved list of faculty in the prescribed time as despite the petitioner's applications to the Affiliating Authority, the said list was approved by the Secretary, Examination Regulatory Authority only on 3rd October, 2016 whereafter the same was immediately forwarded to respondent no.1 alongwith the petitioner's appeal dated 13th October, 2016. She, thus, contends that respondent no.1 had erroneously declined to consider the said list and had rejected the petitioner's appeal only on the ground that the faculty list was furnished after the prescribed time limit. She contends that in view of the admitted position that the said list was available with the Appellate Authority/respondent no.1, it was incumbent upon the respondent no.1 to consider the same and then decide whether the petitioner fulfilled the conditions laid down in the letter of intent.

3. Learned counsel for the petitioner relies on the decision of this Court in WP (C) No.3231/2016 titled ***Rambha College of Education vs. National Council for Teacher Education & Ors.***, which has attained finality as also various other orders passed by this Court including in WP (C) No.8325/2017 & WP (C) No.258/2018.

4. Ms.Dwivedi, learned counsel for respondent nos.1 & 2, while not disputing the aforesaid factual position, submits that

the petitioner not having responded to the letter of intent and having not submitted any reply to the show cause notice, is not entitled to any relief from this Court.

5. Having heard learned counsel for the parties, I find that though there is no doubt about the fact that the petitioner had not submitted any reply to the Letter of Intent (LOI) or to the show cause notice, there is merit in the explanation given by learned counsel for the petitioner that any reply to the show cause notice at that stage would have been futile as it was still awaiting approval of its faculty from the Affiliating Body.

6. In these circumstances, in my considered opinion the petitioner could not be faulted for not responding to the show cause notice or the Letter of Intent. I am of the view that once the relevant documents were very much available with respondent no.1, at the time of consideration of the petitioner's appeal, the respondent no.1 ought to have considered the said documents while deciding the petitioner's appeal. I am fortified in my above conclusion by the decision of this Court in the case of *Rambha College (Supra)* where in similar circumstances, the Appellate Order was set aside and the matter was remanded back to the respondents to take a fresh decision by considering the documents submitted with the Appeal. For the aforesaid reasons, the impugned order rejecting the petitioner's appeal is wholly unsustainable.

7. Accordingly, the order dated 6th March, 2017 passed by respondent no.1 and the order dated 2nd September, 2016, are

quashed. The matter is remanded back to respondent no.2 to reconsider the application of the petitioner. Subject to the petitioner meeting all other eligibility criteria, the respondents are directed to process petitioner's application within a period of 12 weeks for the next academic session.

8. Needless to say, in case the petitioner is still aggrieved by the decision of the respondents, it would be at liberty to take legal recourse as permissible under law.

9. The petition is disposed of with no orders as to costs.

(REKHA PALLI)
JUDGE

MAY 09, 2018/aa