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

+ W.P.(C) 4208/2017 & C.M.No.6750/2018(early hearing)

HARISH CHANDRA RAMKALI B.ED COLLEGE Petitioner

Through Mr.Sanjay Sherawat, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

..... Respondent

Through Mr.Arunima Dwivedi with Ms.Preeti
Kumra, Advs for R-1&2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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21.02.2018

Vide the present petition, the petitioner has prayed for quashing of the decision taken by the respondent no.2 in its meeting held from 21-24.03.2017, whereby the case of the petitioner was rejected on the ground that there has been a negative recommendations from the State Government.

On the last date of hearing, it was pointed out by the respondents that the petitioner had earlier preferred a writ petition being W.P.(C)No.415/2015, before the High Court of Uttrakhand, which was disposed of with a direction to the respondent no.2 to consider the case of the petitioner. Learned counsel for the respondents also pointed out that aggrieved by the inaction of the respondents in not deciding the petitioner's application, the petitioner had preferred a contempt petition bearing CC No.203/2016 before the High Court of Uttrakhand, which is still pending. In these circumstances, the learned counsel for the respondents was granted time to file a short affidavit.

The present application has been filed to explain the facts and circumstances in which the aforesaid writ petition was filed. Learned counsel for the petitioner on instructions submits that the petitioner has already filed an application for seeking withdrawal of the aforesaid contempt petition, which is likely to be listed before the Uttarakhand High Court in the near future.

Coming to the merits of the case, it is not disputed by the learned counsel for the respondents that the relief sought by the petitioner in the present case is covered by the decision taken by the respondents themselves to process all similar applications wherein applications for recognition had been rejected on the ground of State ban, if the same were made before the date of the imposition of ban by the State Government.

Learned counsel for the respondent also fairly concedes that the present petition is covered by a decision dated 13.02.2018 of this Court passed in W.P.(C)No.1383/2018.

Accordingly, the present petition is allowed and the decision taken by respondent no.2 in its 266th meeting of the respondent no.2/NRC, qua the petitioner institute is quashed.

The respondents are directed to process the application of the petitioner before 03.03.2018, if the same meets other eligibility criteria before 03.03.2018. However keeping in view the fact that the petitioner's contempt petition has still not been withdrawn, the said consideration will be subject to the petitioner's supplying to the respondents a copy of the order showing withdrawal of the aforesaid contempt petition before the Uttarakhand High Court, before the cut-off date of 03.03.2018.

The petition is allowed subject to payment of Rs.10,000/- as costs to the Delhi High Court Employees Welfare Fund.

The date already fixed i.e.15.03.2018 stands cancelled.

REKHA PALLI, J

FEBRUARY 21, 2018

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