

\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7061/2017**

SHRI SAIN NATH PRASHIKSHAN SANSTHAN Petitioner
Through Mr.Ravi Kant, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR
..... Respondent
Through Mr.Ashok Kr.Panigrahi with
Mr.Rajvardhan, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **28.02.2018**

Vide the present petition, the petitioner/institute has challenged the order dated 08.08.2016 and 13.10.2015 passed by respondent no.1 & 2 respectively, rejecting the request of the petitioner for grant of approval for running B.Ed course.

Learned counsel for the petitioner submits that, however, when the petitioner had submitted an appeal to respondent no.1 he had duly supplied a copy of the approved faculty list which has also not been considered.

Learned counsel for the petitioner has also relied on a decision dated 03.01.2017 passed by this Court in ***W.P.(C)6627/2016 & connected***, wherein this Court has taken a view that in case the deficiency is removed by the petitioner/institute at the time of the

hearing by the appellate committee, the case of the institute should be considered sympathetically and the additional documents submitted to the Appellate Committee ought to be considered by the Committee.

On the other hand, learned counsel for the respondents while opposing the petition, submits that since the petitioner did not respond to the show-cause notice, it does not deserve any indulgence and there is no justification for granting another opportunity to the petitioner or to re-examine the petitioner's case for grant of approval.

Having heard learned counsels for the parties, I am of the considered view that, even though the petitioner had not submitted any reply to the show cause notice, keeping in view the submission of the learned counsel for the petitioner that the said notice was never received by the petitioner and since the main ground for rejection of the petitioner's application relates to non-supply of the faculty list, it would be appropriate for the matter to be reconsidered by the respondents after taking into consideration the duly approved faculty list which has already been provided to the appellate authority.

However, it is made clear that in case the petitioner does not fulfil the other eligibility criteria as prescribed in the regulations, the respondents would be free to reject the application of the petitioner or pass further orders as deemed appropriate.

The orders, dated 08.08.2016 and 13.10.2015 are hereby quashed. The writ petition is disposed of with the directions that the matter be remanded back to respondent no.1 and respondent no.2 is directed to

consider the case of the petitioner.

REKHA PALLI, J

FEBRUARY 28, 2018/sr