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

+ **W.P.(C) 7949/2017**

**DRAUPADI DEVI VIDHYANCHAL SHIKSHAN PRASHIKSHAN
KENRA**

..... Petitioner

Through: Mr.Ravi Kant & Mr.Mayank Manish,
Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR

..... Respondents

Through: Mr.Amit Sanduja, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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27.02.2018

Despite opportunity, no counter affidavit has been filed by the respondents. Learned counsel for the respondents submits that in view of the short controversy involved in the matter, he does not wish to file a counter affidavit and submits that he would address arguments on basis of pleadings already on record

Vide the present petition, the petitioner has prayed for quashing of orders dated 07.04.2017 and 02.09.2016 passed by respondent Nos.1 and 2 respectively whereby the petitioner's application for D.El.Ed. course was rejected on account of failure on the part of the petitioner in submitting the requisite approval from the affiliating body i.e. the Examination Regulatory Authority, U.P., Allahabad

within the time prescribed in the NCTE Regulations.

Learned counsel for the petitioner submits that even though, the said approval from the Affiliating Authority had been duly furnished to the appellate authority i.e. respondent No.1, the same was not considered while considering the petitioner's appeal. He submits that the impugned order dated 07.04.2017 was passed in the teeth of various decisions of this Court wherein it has been reiterated that in cases where the required approvals from affiliating bodies are made available before a final decision is taken on the appeal, the respondent ought to take the same into a consideration and ought to process the application of the Institute in case the same is otherwise found to be in order.

Reliance has been placed on the decision dated 03.01.2017 of this Court in W.P.(C) No.6627/2016 wherein the Court had observed as under:-

“40. In the facts, this Court is of the view the fact, that when the Appellate Authority had decided the appeal, the decision of the affiliating University approving the faculty was in place, and the Appellate Authority should have taken into consideration the said aspect which deciding the appeal. Having not done that, one of the impugned order dated June 9, 2016 of the Appellate Authority need to be set aside. It is ordered accordingly. The matter is remanded back to the Appellate Authority to consider the case of the petitioner for recognition based on the petitioner's letter dated October 27, 2015, whereby the petitioner has enclosed the letters of the affiliating University, approving the faculty and also the plea of the petitioner that its case be considered for 2017-18 and the submissions made by the counsel for the parties during the hearing in these petitions, as noted above and pass

appropriate orders in accordance with law. The writ petition is disposed of.”

Learned counsel for the respondents does not dispute the aforesaid position.

Having heard the learned counsel for the parties and perused the record and earlier decisions of this Court, I see no reason to decline similar relief to the petitioner. Accordingly, orders dated 07.04.2017 and 02.09.2016 passed by respondent Nos.1 and 2 respectively are quashed and the matter is remanded back to the respondents to process the application of the petitioner, if otherwise in order, preferably before 03.03.2018, which is the last cut off date for grant of recognition.

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

A copy of this order be given **dasti** under the signatures of the Court Master.

REKHA PALLI, J

FEBRUARY 27, 2018

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