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

+ W.P.(C) 8325/2017

SATYENDRANATH BASU D.El.Ed. AND B.Ed.
COLLEGE

..... Petitioner

Through Ms.Shrabani Chakrabarty, Adv.

versus

NCTE AND ORS.

..... Respondents

Through Ms.Arunima Dwivedi, Adv. with
Ms.Preeti Kumra, Adv. for R-1 & 2.
Ms.Sangita Rai, Adv. for R-6.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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05.04.2018

As per the office report, respondent nos.3 to 5 are still unserved. Learned counsel for the petitioner submits that she may be granted liberty to delete the name of respondent nos.3 to 5 from the array of parties. At the oral request of learned counsel for the petitioner, the aforesaid respondents are deleted.

In view of the aforesaid position, the only respondents which remain are respondent nos.1, 2 & 6, who state that they do not wish to file any counter affidavit and pray that the matter may be heard on the basis of the documents already on record.

Vide the present petition, the petitioner-Institute has impugned the order dated 3rd January, 2017, passed by respondent no.1 whereby its appeal against the order of refusal for grant of recognition passed

by respondent no.2, has been rejected. The petitioner has also sought a direction to the respondent nos.1 & 2 to examine the petitioner's applications for D.El.Ed. & B.Ed. course as per the Regulations.

Learned counsel for the petitioner submits that the petitioner had submitted online applications for each of the two courses i.e. D.El.Ed. course & B.Ed. course on 30th June, 2015, whereafter a hard copy, as per the Regulations, was sent to the respondent nos.1 & 2 only on 8th July, 2015. She submits that when the petitioner had applied to the respondents for grant of recognition for the aforesaid two courses, they were not in possession of the NOC from the affiliating University, even though the same had already been applied for. She submits that the petitioner received the NOC from the affiliating University subsequently on 27th July, 2015 for B.Ed. course. She further submits that even though the petitioner duly submitted the said NOC to the respondents on 28th August, 2015, the respondents did not consider the same on the ground that the said NOC was received after the cut-off date of 15th July, 2015, as prescribed in their Regulation. She, further, draws my attention to the order dated 9th July, 2016, whereby the respondents had also rejected the petitioner's request for grant of recognition for the D.El.Ed. course on the ground that the recognition for D.El.Ed. course could be granted only to those Institutions which had recognition for B.Ed. course.

Learned counsel for the respondent are unable to dispute the position that the issue regarding belated submission of NOC beyond the cut-off date prescribed in the Regulations is no longer res integra

and the issue is squarely covered by a decision of this Court in the case of *Rambha College of Education vs. NCT and Ors.* vide order dated 23rd February, 2017 passed in WP (C) No.3231/2016, which has already attained finality, wherein it has been held that in case the 'NOC' from the Affiliating University is submitted even at the Appellate stage, it ought to be taken into consideration while deciding the appeal.

In view of the aforesaid admitted position that the petitioner's application for recognition of B.Ed. courses was rejected solely on the ground that the NOC from the affiliating University was submitted after the cut-off date even though the same was available with the respondents at the time of consideration of the petitioner's case for recognition both by respondent nos.1 & 2, the present petition is entitled to succeed. The impugned order dated 3rd January, 2017 rejecting the petitioner's application for grant of the recognition for B.Ed. course is quashed. Since the petitioner's application for D.El.Ed. course was also rejected as a consequence of the rejection of its application for grant of recognition of B.Ed. course, the order dated 9th July, 2016 is also quashed and the petitioner would also be entitled for re-consideration of its application for D.El.Ed course also.

Subject to the petitioner meeting all other eligibility criteria, the respondents are directed to process both the applications of the petitioner for the next academic year, within twelve weeks from today.

Needless to say, in case the petitioner is aggrieved by the order passed by the respondents, it would be open for the petitioner to take

legal recourse as per law.

The petition is disposed of in the above terms.

REKHA PALLI, J

APRIL 05, 2018/aa