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

Date of Decision: 29th April, 2019

+ W.P.(C) 4436/2019 & CM APPL. 19714/2019

GANPAT SAHAI DEGREE COLLEGE & ANR. Petitioners

Through: Mr. Amitesh Kumar, Adv. with
Ms. Binisa Mohanthy and Ms. Priti Kumari,
Advts.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION AND ANR. Respondents

Through: Ms. Arunima Dwivedi, SC for
NCTE with Ms. Preeti Kumra, Adv. for
respondents

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

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J U D G M E N T (O R A L)

1. This writ petition is directed against a refusal/rejection order, dated 17th February, 2017, issued by the Northern Regional Committee (hereinafter referred to as “the NRC”) of the National Council for Teachers Education (hereinafter referred to as “the NCTE”), whereby the application, of the petitioners, for grant of recognition/permission to start a D.El.Ed. Course in the M.Ed. Vibhag Ganpat Sahay Post Graduate College, District-Sultanpur, Uttar Pradesh, was rejected, as well as against the subsequent order dated 18th February, 2019, whereby the petitioners’ appeal against the said order also stands rejected by the Appellate Committee in the NCTE.

2. A reading of the impugned orders reveals that the only ground on which the petitioner's application was rejected is that it had not submitted a reply to the Show Cause Notice dated 26th December, 2016.

3. Mr. Amitesh Kumar, learned counsel for the petitioners, invites my attention to the minutes of the 263rd meeting of the NRC held from the 6th to 11th November, 2017, which records that the show cause notice, issued to the petitioners, was answerable within thirty days from the date of its issuance.

4. As the show cause notice was issued on 26th December, 2016, the said period of thirty days would expire on 25th January, 2017.

5. The reply, to the show cause notice, was filed by the petitioners on 22nd January, 2017, and Mr. Amitesh Kumar points out that a copy thereof has been annexed as Annexure P-10 to the writ petition.

6. Clearly, therefore, the NRC as well as the Appellate Committee in the NCTE was in error in holding that the reply to the show cause notice was not filed within the stipulated time period.

7. In the circumstances, Ms. Arunima Dwivedi, learned SC for the NCTE, consents to a remand of the matter to the NRC to reconsider the matter after taking into account the reply, dated 22nd January, 2017, submitted by the petitioners.

8. The petitioners shall also be entitled to an opportunity of personal hearing before the case is decided.

9. Resultantly, with consent of both parties, the impugned order dated 17th February, 2017, as well as the consequent appellate order dated 18th February, 2019 are quashed and set aside.

10. The matter is remanded to the NRC for a re-consideration in its next meeting, on which date the petitioner shall be entitled to an opportunity of personal hearing.

11. The NRC would also take into account the reply, dated 22nd January, 2017, submitted by the petitioners. The date of the next meeting shall be intimated to the petitioners by the NRC, sufficiently in advance, on its e-mail Id, which is *akstiwari@gmail.com*.

12. Needless to say, this Court has not entered any observations on the merits of the case.

13. The writ petition stands disposed in the above terms, with no order as to costs.

14. CM APPL.19714/2019 also stands disposed of.

C. HARI SHANKAR, J

APRIL 29, 2019/dsn