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

+ W.P.(C) 292/2020 & CM No.886/2020

KRIPAL COLLEGE OF EDUCATION

..... Petitioner

Through : Mr. Sanjay Sharawat, Mr. Divyank
Rana and Mr. Ashok Kumar, Advs.

versus

NATIONAL COUNCIL FOR

TEACHER EDUCATION & ANR

..... Respondents

Through : Ms. Arunima Dwivedi, Standing
Counsel with Ms. Niharika Rai, Adv.
for NCTE.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **10.01.2020**

1. Issue notice to the respondents.
2. Mr. Arunima Dwivedi accepts notice on behalf of the respondents.

Learned counsel says that she would argue the matter based on the record.

3. The substantive prayers made in the writ petition are as follows :

- “(a) Issue a writ of certiorari and quash the communication dated 18.12.2018 Issued by the Respondent No.1; and*
- (b) Issue a writ of certiorari and quash the show cause notice dated 01.05.2019 Issued by the Respondent No.2; and*
- (c) Consequentially Issue a writ of mandamus and direct the Respondent No.2 to decide the application of the Petitioner for grant recognition for B.Ed. course from academic session 2020-2021.”*

4. It is Mr. Sanjay Sherawat's contention that out of several aspects, three aspects of the matter are covered by the order of this court dated

11.12.2019 passed in W.P.(C)No.13089/2019, titled *R.C. Education Society & Anr. v. National Council for Teacher Education & Anr.*

5. The three aspects which Mr. Sherawat says are covered by the aforementioned order are : (i) submission of NOC issued by the affiliating body; (ii) submission of proof/evidence that the petitioner is a composite institution in terms of Clause 2(b) of the National Council of Teacher Education (Regulation Norms and Procedure) Regulations, 2014 (in short "2014 Regulations"); and (iii) a letter be sent to the State Government of Rajasthan concerning a ban imposed on B.Ed. course.

6. To be noted, the show cause notice dated 01.05.2019 relates to three other aspects which are : (i) failure to submit non-encumbrance certificate issued by the competent government authority; (ii) failure to submit a certified copy of the registered land documents duly certified by the Registrar/Sub-Registrar of the District; and (iii) built-up area is less as per the building plan.

7. The record shows that the petitioner has already filed a reply dated 30.05.2019 which is marked as Annexure P-3 and is appended on page 27 of the paper book. Along with the reply, the petitioner has appended the following documents :

<i>Sr.No.</i>	<i>Particulars</i>
<i>1.</i>	<i>The NOC A/F to Rajasthan University, Jaipur.</i>
<i>2.</i>	<i>Evidence to prove that college is a composite institution as per clause 2(b) of NCTE Regulation 2014.</i>
<i>3.</i>	<i>The non-encumbrance certificate.</i>
<i>4.</i>	<i>The certified copy of land duly signed by Registrar of district.</i>
<i>5.</i>	<i>Details as to the total Built up area as per building plan.</i>

8. Given these circumstances, the captioned writ petition is disposed of with the following directions:

(i) The Northern Regional Committee (NRC) will adjudicate upon the impugned show cause notice and return a finding *qua* the same after giving due opportunity to the authorized representative of the petitioner.

(ii) While adjudicating upon the impugned show cause notice, the NRC will bear in mind the order dated 11.12.2019, passed by this court in W.P.(C)No.13089/2019.

(iii) The NRC will pass a speaking order; a copy of which will be furnished to the petitioner.

9. Needless to add, the aforementioned exercise will be carried out at the earliest, though, not later than six weeks from the date of receipt of a copy of the order passed today.

10. Since the cut-off date is 03.03.2020, this aspect will be borne in mind by the NRC while fixing the date of hearing.

11. Resultantly, the pending interim application shall stand closed.

RAJIV SHAKDHER, J

JANUARY 10, 2020

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