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

+ W.P.(C) 1405/2019

SARJU RAI MEMORIAL DEGREE COLLEGE Petitioner

Through : Mr. Mayank Manish and Mr. Ravi
Kant, 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

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07.02.2020

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

“(a) issue an appropriate writ[s]/direction[s] or order[s] quashing the impugned order dated 04.12.2018 passed by the NCTE and order dated 26.09.2016 passed by NRC, National Council For Teacher Education as contained in Annexure P-1 Colly, and/or;

(b) issue an appropriate writ[s]/direction[s] or order[s] directing the NRC for further processing of the application for the B.Ed. Course for next relevant academic session.”

2. Notice in this writ petition was issued on 15.02.2019. On that date, the respondents were represented by Ms. Arunima Dwivedi.

3. The court granted four weeks to the respondents to file a counter affidavit. Since then the respondents have placed a counter affidavit on record.

4. Shorn of verbiage, the principal grievance of the petitioner is that because of the delay in obtaining approval qua its faculty from the concerned university i.e. Veer Bahadur Singh Purvanchal Vishvvidhyalaya, Jaunpur, its application for B.Ed. course was rejected by the Northern Regional Committee (NRC). The order of rejection was passed by the NRC on 26.09.2016.

5. The petitioner after approaching the Allahabad High Court, preferred a statutory appeal under Section 18 of the NCTE Act, 1993 with the Appeal Committee of the NCTE for agitating its grievance vis-a-vis NRC's order dated 26.9.2016.

6. The Appeal Committee *via* order dated 04.12.2018 confirmed the aforementioned order of the NRC.

7. The principal grounds on which the petitioner's appeal was dismissed were two-fold. The first that the petitioner had failed to apprise the NRC about the subsequent developments i.e. that it had not obtained approval of its faculty from the concerned university. In that behalf an observation was made by the NRC that the petitioner ought to have sought extension of time qua the period prescribed in the Letter of Intent (LOI).

7.1 Secondly, what was held against the petitioner was that the appeal had been filed beyond the prescribed period i.e. 60 days.

8. Mr. Mayank Manish, who appears on behalf of the petitioner, has drawn my attention to the representations made to the NRC for extension of

the time prescribed in the LOI.

8.1 In this behalf, Mr. Manish relied upon the representations dated 27.05.2015, 11.08.2015 and 08.02.2016.

9. I may indicate that Ms. Dwivedi submitted that the order of the Appeal Committee adverted to the fact that these representations were not found on the “Regulatory File”. However, on perusal of the photocopy of the representations, I find there is a stamp of the office of the NRC appended on each one of them which sets out not only the diary number but also the date of receipt.

10. There is nothing in the order of the Appeal Committee which is suggestive of the fact that it checked its inward post-register to verify as to whether or not the diary number or date given was correct.

11. That being said, concededly, the petitioner had in its possession the document which evidenced the fact that its faculty stood approved by the concerned university. This document is appended on page 101 of the paper book and is marked as Annexure P-11.

11.1 Given this position, to my mind, the appellate authority ought to have decided the matter on merits by taking into account the aforesaid document.

12. In this behalf, Mr. Manish has, correctly, adverted to the judgment in the matter of ***National Council for Teacher Education & Anr. v. Rambha College of Education***, dated 09.08.2017, passed in LPA No.535/2017.

12.1 Learned counsel informs me that the aforementioned judgment of the Division Bench was carried in appeal to the Supreme Court which was dismissed by the Court.

13. In view of the foregoing, I am inclined to set aside the impugned

orders. It is ordered accordingly.

14. The case is remanded to the NRC. The NRC will take into account the document marked as Annexure P-11 which is appended on page 101 of the paper book.

15. The NRC will take a fresh decision in the matter after affording due opportunity to the authorized representative of the petitioner.

16. Needless to add, the aforementioned exercise will be carried out with due expedition.

17. The captioned writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

FEBRUARY 07, 2020

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