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

Date of decision: 5th August, 2020

+ **W.P.(C) 4935/2020 & CM APPLs. 17836/2020, 17837/2020, 17838/2020**

**SHRIMATI MAHADEVI MAHILA TEACHER TRAINING
SCHOOL**

..... Petitioner

Through: Mr. Sanjay Sharawat, Advocate (M-9810220522)

versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION &
ANR.**

..... Respondents

Through: Ms. Arunima Dwivedi, Advocate (M-9810916537)

**CORAM:
JUSTICE PRATHIBA M. SINGH**

Prathiba M. Singh, J. (Oral)

1. The hearing has been held through video conferencing.
2. The present petition has been filed against the National Council for Teacher Education (*hereinafter* 'NCTE') seeking similar relief as was granted by this Court in a bunch of connected writ petitions with lead case being W.P.(C) 8820/2019 titled *Sir Chhotu Ram Jat College of Education v. National Council for Teacher Education & Anr.* A ld. Single Judge of this Court had, allowed the said petitions vide order dated 18th October, 2019 and had directed the Regional Committees of NCTE to reconsider the applications of the Petitioners in those matters.

3. The brief background is that in 2012, the NCTE had issued a public notice inviting fresh applications for setting up of various colleges for courses to train teachers, for the academic session 2013-14. However, thereafter the State of Rajasthan had imposed a ban on the establishment of new institutions. In view of the ban, the Regional Committees of the NCTE had rejected all the applications of the colleges, which came to be challenged in W.P.(C) 8820/2019 and several other writ petitions. The said writ petitions were considered by this Court and on 18th October, 2019, they were allowed in the following terms:

“ ...

14. Thus, for foregoing reasons, the captioned writ petitions will have to be allowed. The concerned Regional Committees will reconsider the applications of the petitioners in the captioned matters without being burdened by the fact that various State Governments have imposed a ban on setting up of new institutions and granting recognition to new courses.

15. Needless to add, the applications will be considered by the NCTE on their own their merit as expeditiously as possible, though, not later than twelve (12) weeks from the date of receipt of a copy of the order.

16. The petitioners will render all assistance so that the timeline fixed by the Court is adhered to.

17. Since this is an order in rem, the concerned Regional Committees will consider on merit the applications of even those who are similarly circumstanced and have filed their respective applications before the ban kicked-in as per the extant provisions of law.”

4. Subsequently, various Id. Single Judges have also considered writ

petitions of similarly placed colleges in W.P.(C) 12020/2019 and recently in W.P.(C) 4462/2020, a Id. Single Judge has passed a similar order on 23rd July, 2020.

5. Ms. Arunima Dwivedi, Id. counsel for the NCTE submits that the present writ is highly belated as it has been filed after seven years. She further submits that the NCTE has filed an LPA challenging the order dated 18th October 2019 in one of the writ petitions forming part of the bunch of petitions with W.P(C) 8820/2019. Mr. Sanjay Sharawat, Id. counsel for the Petitioner submits that these very submissions of the NCTE have also been considered in the recent orders passed by this Court.

6. After consideration of the overall facts and circumstances and the orders which have been passed in favour of similarly placed colleges, this Court is of the opinion that the order dated 18th October, 2019 ought to enure to the benefit of the Petitioner as the Id. Single Judge had directed clearly that parties who are similarly circumstanced would also be considered by the Regional Committees. Accordingly, the direction is issued for reconsideration of the Petitioner's application by the Regional Committee in terms of the order dated 18th October, 2019. The directions contained in the said judgment in *Sir Chhotu Ram Jat College of Education (supra)* shall also apply *mutatis mutandis* in the present case as well.

7. If any order is passed in the LPA challenging the order dated 18th October, 2019 by the Id. Division Bench, the said order would similarly be applicable to the Petitioner as well.

8. The order dated 11th June, 2013, vide which the application of the Petitioner was returned on the ground of subsequent ban imposed by the State Government, is accordingly set aside.

9. The decision on the Petitioner's application shall be taken within a period of twelve weeks.

10. With the above observations, the present petition is disposed of. All pending applications also stand disposed of.

PRATHIBA M. SINGH
JUDGE

AUGUST 05, 2020
Rahul/A

