

\$~A-15

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

% *Date of Decision:* 10.09.2020

+ W.P.(C) 6224/2020

RAO UMRAO SINGH TEACHER
TRAINING COLLEGE

..... Petitioner

Through: Mr. Sanjay Sharawat, Advocate

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

..... Respondents

Through: Ms.Arunima Dwivedi, Standing
Counsel

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J.(ORAL)

This hearing is conducted through video conferencing.

1. This writ petition is filed by the petitioner seeking an appropriate writ to direct respondent No.2 to decide the application of the petitioner for B.A. B.Ed/B.Sc. B.Ed course expeditiously for the academic session 2020-2021 by taking into account the processing fee paid by way of demand draft. Other connected reliefs are also sought.

2. The case of the petitioner is that for the academic session 2017-2018 NCTE issued a public notice inviting applications from institutions for seeking recognition for various teacher training courses. The petitioner submitted an application to NRC on 06.06.2016 for seeking of recognition of B.A. B.Ed/B.Sc. B.Ed course. Along with an application, the petitioner paid a process fee of Rs.1.5 lacs by demand draft dated 31.05.2016, drawn on ICICI Bank.

3. The case of the petitioner is that NRC was required to process application in a time bound manner. However, the petitioner did not receive any communication from NRC despite repeated calls to the office or its customer phone. Thereafter, the NCTE by notification shifted all four Regional Committees to Delhi. It is stated that no activity was taking place in NRC in March- December 2017. It is stated that several visits have been made to the office of the respondent but no information was made available. In March, 2020, the petitioner visited the WRC and came to know about rejection of the application by NRC on 29.12.2016. It is stated that WRC has handed over a copy order and the petitioner was shocked to learn that the application has been rejected on the ground of non -submission of the processing fee through online.

4. Learned counsel for the petitioner pleads that the knowledge of the rejection order has been received now on 20.03.2020 and hence there is no delay or laches on the part of the petitioner. He also relies upon an order passed by the learned Single Judge of High Court of Judicature for Rajasthan at Jodhpur being (SB) Civil Writ Petition No.14234/2018 dated 27.05.2019, titled '*Global Teachers Training College v. NCTE & Anr.*' to plead that under similar facts and circumstances, the court had directed the respondent to process the application as the respondent should not rest on technicalities.

5. Learned counsel for the respondent at the outset relies upon the NCTE Regulations 2014 to submit that it is mandatory under Regulation 6 to give the fees online and that failure to submit the fee online results in summary rejection of the application as stated in Regulations 7(2)(a).

6. Regulations 6 and 7 of the NCTE Regulations, 2014 read as follows:

“6. Processing Fees.—

The processing fee as prescribed under rule 9 of the National Council for Teacher Education Rules, 1997 as amended from time to time, shall be paid by the applicant for processing of an application for grant of recognition to an institution to conduct a teacher education programme or addition to programme or intake in the existing programme, online to the designated banks as may be notified by the Council.

7. Processing of applications.—

(1) In case an application is not complete, or requisite documents are not attached with the application, the application shall be treated: incomplete and rejected, and application fees paid shall be forfeited.

(2) The application shall be summarily rejected under one or more of the following circumstance—

(a) failure to furnish the application fee, as prescribed under rule 9 of the National Council for Teacher Education Rules, 1997 on or before the date of submission of online application;

(b) failure to submit print out of the applications made online alongwith the land documents as required under sub-regulation (4) of Regulation 5 within fifteen days of the submission of the online application.

(3) Furnishing any false information or concealment of facts in the application, which may have bearing on the decision making process or the decision pertaining to grant of recognition, shall result in refusal of recognition of the institution besides other legal action against its management. The order of refusal of recognition shall be passed after giving reasonable opportunity through a show cause notice to the institution.”

7. Hence, it follows from the above that the processing fees under Rule 9 of the Rules has to be paid online to the designated banks as notified by the council. Under Regulation 7(2) (a)- application shall be summarily rejected where there is a failure to furnish the application fee as prescribed under Rule 9.

8. It is manifest in the present case that there is a flagrant violation of the aforesaid regulations by the petitioner in not filing the concerned processing fees online. Hence, the plea of the petitioner cannot be accepted.

9. That apart I may note that the application for recognition was filed by the petitioner on 06.06.2016. He has now in September, 2020 chosen to approach this court stating that he has received knowledge of rejection of the application in March, 2020. Various explanations are given including that follow up was done with the respondent on phone/personal visits, he was never informed about anything and even he did not receive a copy of the rejection order.

10. In my opinion, the present petition is also clearly hit by delay and laches. The petitioner having filed the application on 06.06.2016 has been complacent and did not take any meaningful follow up of his application. It has taken four years for the petitioner to wake up and file this petition [Reference: *State of M.P. v. Nandlal Jaiswal*, (1986) 4 SCC 566].

11. Heavy reliance was made by the learned counsel for the petitioner on the order passed by the High Court of Judicature for Rajasthan in the afore-noted case of *Global Teachers Training College v. NCTE & Anr.* (supra). That is a case where the facts are somewhat identical to this case in the sense that the Educational Institution there had applied for granting recognition on

06.06.2016 and was accompanied by fees of Rs.1.5 lacs fees through demand draft. In those circumstances the court had held as follows:-

“6. After hearing the learned counsel for the parties and after perusing the material available on record, this court is of the opinion that once the respondents themselves have permitted the institutions to submit the recognition fee through demand draft upto 2015, therefore, such exemption needs to be carried forward and such technicality cannot become the basis of rejection of application of the petitioner. However, at the same time, this court also realises that once the clause 5 of Regulations of 2014 came into vogue, the petitioner should have been duly diligent and should have been deposited the recognition fee online rather than submitting a demand draft.”

12. As is obvious, the above writ petition was filed in the Rajasthan High Court in 2018. In the present case, the petitioner has now approach this court in 2020. Delay and laches is manifest. Hence, the above judgment does not help the petitioner in any manner.

13. There is no merit in the petition. The same is dismissed.

SEPTEMBER 10, 2020/v

JAYANT NATH, J.