

\$~44

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

% *Date of Decision: 20th December, 2021*

+ LPA 487/2021

CH HET RAM JOHARI LAL MEMORIAL COLLEGE OF
EDUCATION

..... Appellant

Through: Mr. Praveen Kumar Aggarwal,
Advocate.

versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

..... Respondents

Through: None

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 46142/2021(Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

LPA 487/2021

1. Being aggrieved and feeling dissatisfied by the order of the learned Single Judge dated 01.12.2012 (Annexure A-1) in CM APPL. 42847/2021 in W.P. (C) 6424/2012, the Appellant (Original Petitioner) has preferred the present Letters Patent Appeal.

2. We have heard learned counsel appearing on behalf of the Appellant and looked into the facts and circumstances of the case. Appellant had

preferred writ petition being W.P. (C) 6424/2012 seeking the following reliefs:

“(i) a writ in the nature of certiorari for quashing the impugned orders dated 14.02.2012 and 24.06.2011 passed by the respondent no. 1 and order dated 23.06.2010 passed by the respondent no. 2;

(ii) a writ, order or direction to the respondent no. 2 for re-inspection of the petitioner college, without being influenced with the prior events and litigations, by appointing some impartial/ unbiased visiting team accompanied by a local commissioner appointed by this Hon’ble court;

(iii) a writ, order or direction to the respondent no. 2 for considering the case of the petitioner college for continuation of recognition and to have the admissions from next academic session;

(iv) a writ, order or direction to the respondent No. 2 for permitting the petitioner college in the meantime to at least admit the students for the approaching academic session 2012-13 for the courses it was given recognition by the respondents;”

3. Challenge was laid by the Appellant to the orders dated 24.06.2011 and 14.02.2012 as well as order dated 23.06.2010 passed by the concerned Respondents. The grievance ventilated by the Appellant was against the withdrawal of recognition of the Petitioner without there being any contraventions of the provisions of law or conditions of recognition.

4. Chronology of the dates and events as well as the steps taken by the Appellant towards prosecution of the writ petition reflects that the Petitioner has not been vigilant in pursuing the writ proceedings. Writ

petition was dismissed in default on 19.02.2016. Application being CM No. 42847/2021 was preferred for restoration of the writ petition in the year 2021.

5. Learned Single Judge, in our view, has rightly noted that even when the writ petition was initially filed in October 2012, the Court, while issuing notice on 06.11.2012, had observed that there was gross delay in filing the writ petition. On 08.09.2015, counsel for the Appellant had informed the Court that he was not getting any instructions from the Petitioner and the matter was adjourned to give further opportunity but as noted by the learned Single Judge, the situation persisted and on 19.02.2016 there was no appearance on behalf of the Appellant. Learned Single Judge has also rightly noted that there is a long and unexplained delay of five years on the part of the Appellant in seeking restoration of the writ petition.

6. We have independently perused the reasons furnished by the Appellant in the application seeking restoration of the writ petition. The only reason that appears to be coming forth is the multiple litigations/proposed nuclear power plant in the vicinity of the Appellant's premises. In our view, this cannot be a justification for not prosecuting the writ petition. Assuming for the sake of arguments that there was an impediment in prosecuting the writ petition, the same could have been placed before the Court instead of waiting for five long years in seeking restoration.

7. In view of the aforesaid, we see no reason to interfere with the order passed by learned Single Judge. We completely endorse the view taken by the learned Single Judge while dismissing the restoration application.

8. There is no merit in the appeal and the same is accordingly dismissed with costs of Rs.10,000/- to be deposited by the Appellant with the Delhi State Legal Services Authority within four weeks from today. The aforesaid amount shall be utilized for the programme 'Access to justice'.

9. A copy of this order be sent forthwith to the Member Secretary, Delhi State Legal Services Authority, Patiala House Courts, New Delhi.

CHIEF JUSTICE

JYOTI SINGH, J

DECEMBER 20, 2021/st



भारतमेव जयते