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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 09.03.2022

+ W.P.(C) 3023/2022, CM Nos.8791/2022 & 9906/2022KUSUMRAJ INSTITUTE OF TEACHER
TRAINING COLLEGE & ANR.

..... Petitioners

Through: Mr Amitesh Kumar, Ms Priti Kumari
and Ms Binisa Mohanty, Advts.*Versus*NATIONAL COUNCIL FOR
TEACHER EDUCATION & ORS.

..... Respondents

Through: Mr Shivam Singh, Standing Counsel
with Mr Jaideep Khanna, Adv.**CORAM:****HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MR JUSTICE JASMEET SINGH**

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL) :-

1. Notice in the writ petition was issued on 17.02.2022. Mr Shivam Singh, who appears on behalf of respondent nos. 1 and 2, in effect, National Council for Teacher Education (NCTE), on that date had submitted that the writ petition be disposed of, in terms of the judgment dated 09.02.2022 rendered by the Division Bench of this Court in W.P.(C) No.1669/2022, titled *RR Teacher Training College vs. National Council for Teacher Education & Anr.*

2. Although there is no representation on behalf of respondent no.3 i.e., Patliputra University, Patna, counsel for the petitioners agree that the matter can be disposed of, in accordance with the above-mentioned judgment.



2.1 To be noted, we are told that respondent no.3 has been served.

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

“(a) issue. an appropriate writ(s) or order(s) or direction(s) including the writ of certiorari quashing and setting aside the impugned Regulation 5(3) of the NCTE (Recognition Norms and Procedure) Regulations, 2014 to the extent it mandates and requires the Petitioners to submit No Objection Certificate issued by the concerned affiliating body and declaring the same as unconstitutional and ultra vires the NCTE, 1993 and Articles 14 and 19 of the Constitution of India; and / or

(b) issue an appropriate writ(s) or order(s) or direction(s) including the writ of certiorari quashing and setting aside the impugned refusal order dated 02.05.2016 issued by the Regional Director, ERC; and / or

(c) issue an appropriate writ(s) or order(s) or direction(s) including the writ of mandamus directing the Respondents to process and decide the application of the Petitioners for grant of recognition of B.Ed. Course under Section 7(16) of NCTE (Recognition Norms and Procedure) Regulations, 2014 without any reference to the requirement of NOC.”

4. Mr Amitesh Kumar, who appears on behalf of the petitioners, says that in view of the fact that the petitioner no.1/college was able to obtain a No-Objection Certificate [in short “NOC”] from the affiliating university, the petitioners, for the moment, do not need to challenge Regulation 5(3) of the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014. In other words, the relief sought in prayer clause (a) need not be pressed.

5. Furthermore, it is Mr Kumar’s submission that having regard to the fact that the petitioner no.1/college has already obtained a NOC from the Registrar, Patliputra University, its application for recognition can be



processed by respondent no. 2 i.e., Eastern Regional Committee, National Council for Teacher Education [ERC] as per the extant Rules.

5.1. In this context, our attention has been drawn to the document appended on page 159 of the case file. The said document is a copy of the NOC dated 17.01.2022, said to have been issued to the petitioner no.1/college by the Registrar, Patliputra University, Patna.

5.2. Mr Singh says that, in view of the submission made by Mr Kumar on behalf of the petitioners, respondent no.2/ERC can reexamine the application of the petitioners and dispose of the same, in accordance with the established procedure.

6. Given the foregoing, the writ petition is disposed of, with the following directions:

(i) The order dated 02.05.2016, passed by respondent no.2/ERC, whereby the petitioner no.1's/college's application for recognition was rejected primarily on the ground that the petitioner no.1/college did not have a NOC issued to them by the affiliating body, shall stand quashed.

(ii) Respondent no. 2/ERC will consider afresh the application for recognition available with it, in the light of the fact that the petitioners claim that they obtained a NOC from the Registrar, Patliputra University on 17.01.2022.

(iii) A fresh order will be passed by respondent no.2/ERC *qua* the petitioner no.1's/college's application for recognition, within twelve [12] weeks from the date of receipt of a certified copy of the NOC.

(iv) Parties will act based on the digitally signed copy of this order.

7. Consequently, pending applications shall stand closed.



NEUTRAL CITATION NO: 2022/DHC/000934

8. The Registry will dispatch a copy of the order passed today to respondent no.3.

RAJIV SHAKDHER, J

JASMEET SINGH, J

MARCH 9, 2022/aj

[Click here to check corrigendum, if any](#)

