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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 03.03.2022

+ **W.P.(C) 3685/2022 and CM APPL. 10934/2022**

MAHARAJA AGRASEN COLLEGE

..... Petitioner

Through: Mr Sanjay Sharawat, Advocate.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

..... Respondents

Through: Mr Shivam Singh, Standing Counsel
with Mr Jaideep Khanna, Advocate for
NCTE.**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. Issue notice.
- 1.1. Mr Shivam Singh accepts notice on behalf of the respondents.
2. With the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.
3. The substantive prayers made in the writ petition read as follows:

"[a] Issue a writ of Certiorari and quash Regulation 5[3] of National Council for Teacher Education [Recognition Norms and Procedure] Regulations, 2014 to the extent it requires the Petitioner to submit No Objection Certificate [NOC] issued by the concerned Affiliating Body as the same is ultra vires the NCTE Act, 1993 and Article 14 and 19 of the Constitution of India; and
[b] Issue a writ of certiorari and quash the order dated 26.09.2016



passed by the Respondent No.2 and order dated 18.04.2017 passed by the Respondent No.1

[c] Issue a writ of mandamus and direct the Respondent No.2 to decide the application of the Petitioner for grant of recognition for D.El.Ed course by taking into account the NOC dated 28.02.2019 issued by the Department of Elementary Education, Govt of Rajasthan;”

4. Mr Sanjay Sharawat, who appears for the petitioner, says that in view of the fact that the petitioner was able to obtain a No-Objection Certificate [in short “NOC”] from the State Government of Rajasthan, the petitioner, for the moment, does not need to challenge Regulation 5[3] of 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 Sharawat’s submission that, having regard to the fact that the petitioner has already obtained a NOC from the State Government of Rajasthan, its application for recognition can be processed by respondent no.2 i.e., Western Regional Committee, National Council for Teacher Education (NCTE), as per the extant rules.

5.1. In this context, our attention has been drawn to the document appended on page 61 of the case file. The said document is a copy of the NOC dated 28.02.2019, said to have been issued to the petitioner by the Office of the Department of Elementary Education, Rajasthan.

5.2. Mr Singh says that, in view of the submission made by Mr Sharawat on behalf of the petitioner, respondent no.2 can re-examine the application of the petitioner 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 26.09.2016, passed by Northern Regional Committee, NCTE [now, Western Regional Committee], and the order in appeal dated 18.04.2017, passed by respondent no.1/NCTE, whereby petitioner's application for recognition was rejected primarily on the ground that the petitioner did not have a NOC issued to it by the affiliating body, shall stand quashed.

(ii) Respondent no.2 will consider afresh the application for recognition available with it, in the light of the fact that the petitioner claims that it obtained a NOC from the State Government of Rajasthan on 28.02.2019.

(iii) A fresh order will be passed by respondent no.2 *qua* the petitioner'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 application shall also stand closed.

(RAJIV SHAKDHER)
JUDGE

(JASMEET SINGH)
JUDGE

MARCH 03, 2022

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Click here to check corrigendum, if any