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

% **Date of decision: 2nd September, 2024**

+ **CONT.CAS(C) 1382/2024**

COLLEGE OF EDUCATION & ANR.Petitioners

Through: **Mr. Amitesh Kumar, Ms. Priti Kumari & Mr. M. Kishor, Advs.**

versus

PROF PANKAJ ARORA CHAIRPERSON & ANR.

.....Respondents

Through: **Mr. N.K. Bhatnagar, Adv.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

1. The petitioners are seeking initiation of contempt proceedings against the respondents for alleged willful disobedience of the directions passed by a Division Bench of this Court, of which I was also a Member, dated 10.08.2023 in LPA¹ No.460/2021.
2. Learned counsel for the respondents is present on advance notice.
3. Although, at the outset, this Court was inclined to request Hon'ble The Acting Chief Justice, High Court of Delhi, to transfer and assign the present matter to some other Bench, learned counsels for

¹ Letters Patent Appeal



the parties submitted that there is no legal impediment and they have no objection to the present Court hearing the matter.

4. It would be expedient to reproduce the directions passed by the Division Bench of this Court, *vide* order dated 10.08.2023, which go as under:-

“1. Learned counsel for the petitioner states that although its intake for Unit-I comprising of 50 has been duly attended to and granted by the National Council for Teacher Education [“NCTE”], the said entity is yet to convey its decision in so far as the second unit is concerned.

2. Mr. Endlaw, learned counsel representing the NCTE, states that subject to verification of all facts and contentions on merits been kept open, a decision in that respect will be duly communicated to the petitioner with due expedition and preferably Within a period of four weeks.

3. In view of the aforesaid and since nothing further would survive, the appeal is disposed of.”

5. It is the own case of the petitioners that on receipt of the reply received from the Headquarters of NCT², the matter was considered by the ERC³ in its 336th (Virtual) Meeting held on 20.12.2023 and the Committee *inter alia* decided that the Institution cannot be granted 2nd unit of B. Ed.⁴ Course due to issues with regard to the total built-up area of the Institution measuring 2218.90 Sq. Mts. out of which 1550 Sq. Mts. built up area is in its own building, while on the other hand the remaining built-up area measuring 618.90 Sq. Mts. is in another building which is on lease-basis and on a distance of 100 Meters at 1st and 5th floor.

² National Capital Territory

³ Eastern Regional Committee

⁴ Bachelor of Education



6. It is further the own case of the petitioners that a representation dated 16.07.2024 was made whereby it was communicated that its Management has taken measures to increase the built-up area so as to have minimum of 2000 Sq. Mts. and a request has been reiterated for sanctioning of 2nd unit of B. Ed. Course totaling 100 students as per NCTE⁵ norms.

7. *Ex facie*, the aforesaid turn of events affords a fresh cause of action to the petitioners. Evidently, a decision has already been taken by the respondents, however, whether the said decision is right or wrong, reasonable, or unreasonable or arbitrary, the same cannot be agitated in the present contempt proceedings. There is no willful or deliberate disobedience of the directions of this Court and the grievance emanating from the decision dated 20.12.2023 or for that matter, the authorities sitting over the matter and not taking up the representation dated 16.07.2024 cannot be the subject matter of the instant contempt proceeding.

8. Accordingly, the present Contempt Petition is dismissed without prejudice.

DHARMESH SHARMA, J.

SEPTEMBER 02, 2024

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⁵ National Council for Teacher Education