

2025:PHHC:105021-DB

CWP-19667-2017 (O&M)
Date of Decision: 12.08.2025

Param Radhey Welfare Trust

...Petitioner

Vs.

National Council for Teacher Education and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sandeep Khungar, Advocate for the petitioners.

Mr. Karan S. Gill, Advocate for respondent No.1.

Dr. Malvika Singh, DAG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)**CM-439-CWP-2025**

Application for placing on record photocopy of notification dated 28.11.2014, is allowed, subject to all just exceptions.

CWP-19667-2017 (O&M)

1. This petition has been filed with a prayer to direct the respondents to refund the processing fee deposited by the petitioner for grant of recognition to run B.A. B.Ed. course.

2. The permission for running course was to be granted by the National Council for Teacher Education (for short 'NCTE') and the application had to be dealt with as per notification dated 28.11.2014.

3. Clause 5 of the notification deals with the manner of making application and also the time limit within which it is to be considered. Sub

Clause 3 of Clause 5 would be relevant for the purpose of present case and the same is reproduced as under:-

5(3): The application shall be submitted online electronically alongwith the processing fee and scanned copies of required documents such as no objection certificate issued by the concerned affiliating body. While submitting the application, it has to be ensured that the application is duly signed by the applicant on every page, including digital signature at appropriate place at the end of the application.”

4. The processing fee of Rs.3 Lakh was also deposited in terms of Clause 6 of the notification. It transpires that no objection certificate from the concerned affiliating body was not available with the petitioner as such its application was not treated to be complete on account of which the processing fee has been forfeited.

5. Clause 7(1) of the notification has been invoked by the respondents while forfeiting the processing fee, which is reproduced as under:-

“7(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 fee paid shall be forfeited.”

6. Learned counsel for the petitioner strenuously urged that the NOC from the affiliating body was not granted by the concerned university on an erroneous interpretation of the provisions and that for any fault of the university, the petitioner ought not to have been penalized.

7. Learned counsel for the NCTE submits that the refund of processing fee has to be in terms of the relevant provisions of the notification

and since the default is on the part of the petitioner in not submitting NOC of the affiliating body as such forfeiture of the process fee merits no interference.

8. So far as the petitioner's grievance with regard to non-issuance of NOC is concerned, that is a separate cause in respect of which no relief is sought in the present petition. The only relief sought in the present petition is with regard to refund of the processing fee.

9. We have already taken note of Clause 5(3) of the notification which made it mandatory for the petitioner to submit NOC from the affiliating body. Clause 7(1) of the notification also permitted NCTE to forfeit the processing fee if the application is incomplete.

10. We find that the necessary ingredients for invocation of power under Clause 7(1) of the notification clearly existed, which permitted the NCTE to forfeit the processing fee.

11. In that view of the matter, the writ petition lacks merits and is dismissed accordingly.

12. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

12.08.2025

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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No