

B.R. Teacher Training College vs National Council For Teacher Education ... on 17 December, 2020

Author: Jayant Nath

Bench: Jayant Nath

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 10517/2020

B.R. TEACHER TRAINING COLLEGE Petitioner

Through Mr.Sanjay Sharawat, Adv.

versus

NATIONAL COUNCIL FOR

TEACHER EDUCATION & ANR.

..... Respondents

Through Mr. Akshay Chandra, Standing

Counsel.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 17.12.2020 This hearing is conducted through Video-Conferencing.

1. Issue notice.

2. Mr. Akshay Chandra, Standing Counsel for NCTE accepts notice on behalf of the respondents.

3. The limited grievance of the petitioner is that even though it was brought to the notice of the Appellate Committee of the NCTE during the pendency of the appeal that they had obtained NOC from the affiliating body qua the D.El.Ed course, on 25.02.2019, this fact was not considered by the Appellate Committee of NCTE. It is submitted on behalf of petitioner that though the document/NOC available in this behalf was placed before the Appellate Committee, but the same was not considered.

4. For this purpose, learned counsel for the petitioner has drawn my attention to the impugned orders dated 14.05.2019 passed by Appellate Committee. Vide order dated 14.05.2019, the Appellate Committee has sustained the order of the NRC dated 22.09.2016.

5. The NRC vide its order dated 22.09.2016 refused to give permission for D.El.Ed course with an observation that in the absence of submission of NOC issued by affiliating body, the application is rejected.

6. Mr.Sanjay Sharawat, who appears on behalf of the petitioner, says that this court has, time and

again, ruled that the additional material, if presented during the pendency of application before the Regional Committee or in the course of hearing of the appeal, it will have to be considered by the Regional Committee/Appellate Committee, while rendering a final decision in the matter.

7. Learned counsel for the petitioner seeks to rely upon a catena of judgments beginning with the judgment dated 23.02.2017 passed in W.P.(C)No.3231/2016, titled 'Rambha College of Education v. National Council for Teacher Education & Anr.'. The judgment in 'Rambha College of Education' was carried in appeal by the NCTE right upto the Supreme Court. The Supreme Court vide order dated 25.01.2018, passed in SLP(C)No.3451/2018, titled 'National Council for Teacher Education & Anr. v. Rambha College of Education' dismissed the same.

8. In support of his plea, as noticed above, learned counsel for the petitioner has cited the following judgments as well:-

(i) Judgment dated 09.08.2017, passed in LPA 535/2017, titled National Council for Teacher Education & Anr. v. Rambha College of Education.

(ii) Judgment dated 05.09.2017, passed in W.P.(C) 10290/2016, titled Ganpati College of Higher Education v. National Council for Teacher Education & Anr.

(iii) Judgment dated 20.09.2017, passed in W.P.(C) 1594/2017, titled The Kavery College of Education v. National Council for Teacher Education & Anr.

(iv) Judgment dated 20.12.2017, passed in W.P.(C) 6447/2017, titled Tathagat Teacher Training College v. National Council for Teacher Education & Anr.

(v) Judgment dated 31.1.2018, passed in W.P.(C) 2152/2017, titled Vedmati Bhabnath Chaudhary College of Education v. National Council for Teacher Education & Anr.

(vi) Judgment dated 9.2.2018, passed in W.P.(C) 493/2018, titled Kabiguru College of Education v. National Council for Teacher Education & Anr.

(vii) Judgment dated 12.2.2018, passed in W.P.(C) 638/2018, titled Educational Culture Society (Regd.) v. National Council for Teacher Education & Anr.

(viii) Judgment dated 21.2.2018, passed in W.P.(C) 10446/2017, titled Shri Pramod Ji Mahila Mahavidyalaya v. National Council for Teacher Education & Anr.

(ix) Judgment dated 23.2.2018, passed in W.P.(C) 1733/2018, titled Jai Mata Dulhami Tribhuwan Mahavidyalaya v. National Council for Teacher Education & Anr.

(x) Judgment dated 9.3.2018, passed in W.P.(C) 2170/2018, titled K.D. College of Education v. National Council for Teacher Education & Anr.

(xi) Judgment dated 27.4.2018, passed in W.P.(C) 4365/2018, tilted H.L. Girls Degree College v. National Council for Teacher Education & Anr.

(xii) Judgment dated 3.4.2019, passed in W.P.(C) 10356/2016, tilted Shri Umiya Kanya Mahavidyalaya & Anr. v. National Council for Teacher Education & Anr.

(xiii) Judgment dated 20.12.2019, passed in W.P.(C) 13542/2019, titled ABC College of Education & Anr. Vs. National Council for Teacher Education & Anr.

9. Learned counsel for the respondents has strongly opposed the present petition saying that apart from other, this petition is barred by delay and laches.

10. Learned counsel for the petitioner states that in these facts, large number of similar judgments have been passed by the Coordinate Bench of this court as stated above. He states that on account of lockdown, there was some delay on the part of the petitioner in approaching this court.

11. In the interest of justice and keeping into account the legal position as stated in various judgments as noted above, the present petition is allowed subject to the petitioner depositing a cost of Rs. 20,000/- with the Delhi High Court Advocates' Welfare Fund within two weeks from today. An affidavit shall be filed in court with a copy to the other side showing payment of the cost.

12. Accordingly impugned order dated 22.09.2016 passed by respondent No.2/WRC and order dated 14.05.2019 passed by the Appeal Committee of the NCTE are hereby quashed. The matter is remanded to WRC for considering the matter afresh as per law keeping in view the aforesaid legal position and uninfluenced by any observations made by this court. The WRC will take into account the subsequent development, in particular, the document/NOC dated 25.02.2019 issued by the Department of Elementary Education, Rajasthan.

13. Accordingly, the writ petition is disposed of.

JAYANT NATH, J DECEMBER 17, 2020 rb