

Shree Laxmi Group Welfare Trust & Anr vs National Council For Teacher Education ... on 1 February, 2021

Author: Prateek Jalan

Bench: Prateek Jalan

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 988/2021& CM APPLs. 2674-2675/2021
+ W.P.(C) 992/2021 & CM APPLs. 2683-2684/2021
+ W.P.(C) 995/2021 & CM APPLs. 2690-2691/2021

SHREE LAXMI GROUP WELFARE
TRUST & ANR.

..... Petitioners

Through: Mr. Amitesh Kumar, Advocate
versus

NATIONAL COUNCIL FOR TEACHER
EDUCATION & ANR.

..... Respondents

Through: Mr. Jai Sahai Endlaw, Advocate

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN
ORDER

% 01.02.2021 The proceedings in the matter have been conducted through video conferencing.

CM APPLs. 2674-2675/2021 (exemption)in W.P.(C) 988/2021 CM APPLs. 2683-2684/2021 (exemption)in W.P.(C) 992/2021 CM APPLs. 2690-2691/2021 (exemption)in W.P.(C) 995/2021 Exemption allowed, subject to all just exceptions. The applications stand disposed of.

W.P.(C) 988/2021, W.P.(C) 992/2021&W.P.(C) 995/2021

1. On the last date of hearing, Mr. Jai Sahai Endlaw, learned counsel for the NCTE, sought time to take instructions as to whether these matters are covered by the judgment of this Court dated 18.10.2019 in W.P.(C)8820/2019[Sir Chhotu Ram Jat College of Education vs. National Council for Teacher Education and Anr.] and connected matters.

2. Mr. Endlaw submits today that these matters are not covered by the said judgment. In his submission, the judgment in Sir Chhotu Ram applies only to the bans imposed by the state governments in 2012 and applications which were decided in terms thereof. In the present cases, the applications for recognition were made to the NCTE much prior to 2012 and were rejected/returned on account of an earlier ban imposed by the State of Rajasthan in 2008.

3. Mr. Endlaw's categorical submission is that Sir Chhotu Ram is only concerned with cases involving the 2012 State ban. However, he accepts that after the judgment in Sir Chhotu Ram, several petitions have been filed in this Court relating to the pre-2012 period, in which Sir Chhotu

Ram has been followed with the consent of the NCTE.

4. The respondents are directed to file a counter-affidavit in support of the above position. The counter-affidavit will contain a list of cases decided alongwith Sir Chhotu Ram to substantiate the contention that no cases prior to the 2012 ban were in issue in Sir Chhotu Ram. They will also state the circumstances occasioning the change in their stand.

5. Mr. Amitesh Kumar, learned counsel for the petitioners, submits that Sir Chhotu Ram and several orders following it between October, 2019 and today have been passed in petitions concerned with the 2008 State ban. These were disposed of with the consent of the respondents and by orders of this Court. He also submits that the Appellate Committee of the NCTE has itself considered the applications from the 2008-2012 period and held that the State ban of 2008 would not apply to applications filed prior thereto. Mr. Kumar is at liberty to file a rejoinder-affidavit, which will include the aforesaid orders.

6. Counter-affidavit be filed within three weeks. Rejoinder thereto be filed within two weeks thereafter.

7. List on 15.03.2021.

PRATEEK JALAN, J FEBRUARY 1, 2021 'j'