

Rajasthan Delhi Education Society & Anr vs Dr Vineet Joshi Ias Chairperson ... on 22 February, 2021

Author: Najmi Waziri

Bench: Najmi Waziri

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CONT.CAS(C) 521/2020 & CM APPL. 30057/2020
RAJASTHAN DELHI EDUCATION
SOCIETY & ANR.

.....Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti
Kumari, Ms. Binisa Mohanty,
Advocates.

versus

DR VINEET JOSHI IAS CHAIRPERSON NATIONAL COUNCIL
FOR TEACHER EDUCATION & ANR.

..... Respondent

Through: Mr. Jai Sahai Endlaw, Mr. Su
Banerjee and Mr. Ashutosh
Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI
ORDER

% 22.02.2021 The hearing was conducted through physical court.

1. On 23.07.2018, this Court in W.P.(C) No.7593/2018 (Rajasthan Delhi Education Society & Anr. v. National Council For Teacher Education & Anr.), passed the following orders and directed the respondents as under:

"...The present petition under Article 226 of the Constitution of India seeks a direction to the respondents to process the application of the petitioners without any reference to the subsequent ban imposed by the State of Rajasthan in relation to granting permission/recognition for running the D.El.Ed. course from the Academic Session 2019-20.

Issue notice.

Learned counsel appearing on behalf of the official respondents accepts notice.

It is an admitted position that the application filed by the petitioners has been returned unactioned on behalf of the NCTE on the solitary ground of the ban so imposed by the State of Rajasthan for opening of new institutes. Ms. Dwivedi, learned counsel appearing on behalf of the respondents fairly submits that they have taken a

decision to process all applications which were submitted by the institutes before the imposition of the ban by the State Government. Ms. Dwivedi further submits that orders in his behalf have been rendered by this Court in relation to other institutes which were similarly situated. In view of the foregoing, subject to the petitioners depositing Rs.75,000/- with the Delhi High Court Advocates Welfare Trust, the writ petition is allowed. The respondents are directed to re-consider the petitioners application dated 28.12.2012, subject to the petitioners meeting all the other prescribed eligibility criteria and dispose of the same by passing a reasoned and speaking order within twelve weeks from today. It is made clear that the petitioners application would not be rejected on the ground of the imposition of the ban by the State of Rajasthan for opening of such educational institutions. The writ petition stands disposed of with the above directions..".

2. There was total inaction on the part of the respondents, constraining the petitioners to file this contempt petition.

3. Again, on 12.02.2020, in W.P.(C) No.13057/2019, this Court has passed the following order:

"...1. The substantive prayer made in the petition is as follows:

"a) issue a writ of mandamus or any other suitable writ, order or direction directing the respondents to process the petitioner's application for grant of final recognition of D.El.Ed. course (Addl) for two units (100 seats) under clause 7 (16) of NCTE Regulations, 2014 in time bound manner as per schedule fixed by Hon'ble Supreme Court of India;"

2. Notice in this writ petition was issued on 11.12.2019, when Ms. Dwivedi appeared for respondents.

3. The respondents were directed to file a counter-affidavit within a week from today. Since then, despite opportunity, no counter affidavit has been filed.

4. Mr. Amitesh Kumar, who appears for the petitioners, says that this is the second round of litigation for the petitioners who approached this Court in the first instance via W.P.(C) No.7593/2018, when the said writ petition was disposed of on 23.7.2018 with a direction that the respondents will process the petitioners application for D.El.ED course within a period of twelve (12) weeks from that date.

5. The operative directions which are contained in the order dated 23.7.2018 reads as follows:

""The respondents are directed to re-consider the petitioners application dated 28.12.2012, subject to the petitioners meeting all the other prescribed eligibility criteria and dispose of the same by passing a reasoned and speaking order within twelve weeks from today."

6. Mr. Amitesh Kumar says that, since then, there has been no movement in the matter.

7. In my view, prima facie, this is a case for contempt as no plausible reason has been given as to why direction of this Court has not been complied with.

8. However, one last opportunity is given to the respondents to comply with the directions of this Court given in the order dated 23.7.2018 passed in W.P.(C) No.7593/2018.

9. Respondents will act with due expedition and process the application before the cut-off date for academic session 2020- 2021 i.e. 3.3.2020.

10. At this stage, Mr. Amitesh Kumar says that since the petitioner no.2/Institute is located in Rajasthan, the concerned regional committee and pursuant to the Gazette Notification dated 27.1.2020 would be the Western Regional Committee (hereinafter referred to as („WRC).

11. This aspect will be borne in mind by the respondents and, if necessary, requisite steps will be taken to transfer the petitioners application to WRC well within time so that the time frame given above is not breached...".

4. Despite passing of the aforesaid orders, there is inaction on the part of the respondents. Surely, it cannot be the respondents case that the aforesaid orders passed under Article 226 of the Constitution of India do not have any meaning and significance.

5. The learned counsel for the respondents submits that the Letter of Intent ('LOI') was issued by the respondents in January, 2021. The petitioners, however, have not been supplied any copy of the same.

6. The learned counsel for the petitioners submits that in terms of the directions of the Hon'ble Supreme Court, applications such as the present one, have to be processed by 3rd March of each academic year. He contends that, unless the petitioner's case is not processed in terms of LOI and repeated directions of this Court, another academic year will be wasted by the respondents. He draws the attention of the Court to the Notes-1 and 2 of the Standard Operating Procedure ('SOP') issued by the respondents, which read as under:

"Note:

1) Any deviation from the Standard Operating Procedures („SOPs) mentioned above will invite disciplinary proceedings against the RD.

2) These SOPs should be circulated to all staff dealing with regulatory matters. A copy should invariably be kept under the table glass of each such official/officer..."

7. As noted in the order dated 23.07.2018, the compliance was to be done within 12 weeks thereof and further compliance was to be done before 03.03.2020.

8. In terms of the subsequent order dated 12.02.2020, as noted hereinabove, no plausible reason was given as to why the directions of this Court have not been complied with.

9. Even now, on the ninth listing of this petition, there are no plausible reasons given by the respondents as to why the aforesaid orders have not been complied with.

10. Clearly the respondents are in breach of this Court's orders and prima facie in contempt of court.

11. The court is informed that the main compliance is to be done by R-2. Therefore, issue notice only to R-2 as to why contempt proceedings be not initiated against him. Notice is accepted by the learned counsel for the respondents. Reply of R-2 be filed in two weeks.

12. Let an affidavit be filed by R-1 as to what action has been initiated by the respondents against persons who may have been found accountable for the non-compliance.

13. In the interim, the respondents shall pay costs of Rs.30,000/- to the petitioners for these proceedings.

14. A copy of this order be given dasti to the learned counsel for the parties under the signature of the Court Master.

15. Renotify on 02.03.2021.

16. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J FEBRUARY 22, 2021/rd