

Monika Virmani Teachers Training ... vs National Council For Teacher Education ... on 9 December, 2020

Author: Jayant Nath

Bench: Jayant Nath

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 9900/2020
MONIKA VIRMANI TEACHERS TRAINING COLLEGE ... Petitioner
Through Mr.Sanjay Sharawat, Adv.
versus
NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR. ... Respondents
Through Mr.Akshay Chandra, Standing Counsel with Mr.Ravjyot Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH
ORDER

% 09.12.2020 This hearing is conducted through video conferencing.

1. This writ petition is filed by the petitioner seeking to quash the notice dated 07.11.2020 issued by respondent No.2 qua the objection taken therein regarding the land having been registered after the date of application file by the petitioner.
2. The case of the petitioner is that the petitioner moved an application to NRC seeking recognition of D.El.Ed course. On 27.05.2015 by a registered sale deed the petitioner purchased the same land and building from the lessor which was earlier taken on lease deed. It is the grievance of the petitioner that despite the proof of ownership of land being submitted the respondent is not taking the said land into account. A show cause notice has now been issued to the petitioner on 07.11.2020 where apart from other issues it is stated that the land has been registered in the name of the society on 27.05.2015 i.e. after the date of application filed by the petitioner.
3. Learned counsel for the petitioner states that this objection is misconceived and contrary to the legal position settled by this court. He seeks to rely upon judgment of the Division Bench of this court in the case of R.A.S. College of Education vs. National Council for Teacher Education & Anr. being W.P. (C) 1358/2018 dated 19.02.2018.
4. I have heard learned counsel for the parties.
5. The issue is short and the matter can be disposed of at this stage.

6. Learned counsel for the respondent states that no writ petition would lie as the respondent has merely issued a show cause notice. The petitioner is free to raise all the issues before the respondents and they will deal with it as per law.

7. There is merit in the plea of the respondent. I, accordingly, permit the petitioner to raise these pleas before the respondent No.2.

8. I may only note that the Division Bench of this court in the said case being R.A.S. College of Education vs. National Council for Teacher Education & Anr. being W.P. (C) 1358/2018 had made the following observations:

"18. The present writ petition has been necessitated inasmuch as the case of the petitioner was considered by the NRC in its 280th Meeting held from 6 to 7th February, 2018 as the 112th item when an objection has been recorded so far as the petitioner's application is concerned:

The petitioner's application appears at serial no.112 of the minutes which records as follows:

112 RAS College of D.El.Ed The original file of the Institution Education Plot No - along with other documents, NCTE 103,37,9,2/1,31, Village Act, 1993 Regulations and Guidelines Khatiwas, Post Office- of NCTE published from time to time Turu, Tehsil/Taluka - were carefully considered by NRC and Tauru, following observations were made:-

Town/City- Tauru, Distt. • Land has been registered in the Mewat, name of the applicant society on Haryana - 122105 11.02.2015 i.e. after the date of making application online.

Hence show cause notice under Section 14/15 (3) (b) of NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of show cause notice.

21. The writ petitioner has acquired absolute ownership in the land by virtue of the sale deed dated 11th February, 2015 to enable the petitioner to satisfy the requirements under the amendments to the NCTE Regulation, 2014 which have come into existence while the petitioner's application was pending.

22. It is obvious from the above narration of facts that an applicant would have the option to remove deficiencies, if any, during the pendency of the application, prior to the final order having been passed thereon. The petitioner's application was pending in 2014 when the Regulations were amended. This was the situation which obtained on 11th February, 2015 when the petitioner obtained the sale deed in his favour, thereby satisfying the requirements of the amended Regulations.

23. On this very issue, Mr. Sanjay Sharawat, learned counsel has placed a series of decisions by learned Single Judges of this court in identical circumstances directing the respondents to consider the application of the petitioner for recognition in accordance with law taking into consideration the removal of the deficiencies pointed out by the respondents. We tabulate hereafter the decisions in this regard:

| S. NO. | Case Number | Case Title | Date of Decision |
|--------|------------------------|---|------------------|
| 1. | W.P. (C) No. 4049/2010 | G D Memorial College of Education v. National Council of Teacher Education and Anr. | 13th July, 2010 |
| 2. | W.P. (C) No. 1773/2010 | Fairfiel Institute of Management and Technology v. National Council of Teacher Education and Anr. | 12th August 2010 |
| 3. | W.P. (C) No. 5621/2010 | Balaji College of Education v. National Council of Teacher Education and Anr. | 18th August 2010 |
| 4. | W.P. (C) No. 3647/2015 | Riya International College v. National Council of Teacher Education | 21st April 2015 |
| 5. | W.P. (C) No. 1829/2016 | SMD Girls College of Education v. National Council of Teacher Education and Anr. | 2nd March 2016 |
| 6. | W.P. (C) No. 3328/2016 | Rao Raj Singh College of Education v. National Council of Teacher Education and Anr. | 22nd April, 2016 |

24. It is trite that the failure to abide by principles laid down by a decision of the court is contumacious and would invite action under the Contempt of Courts Act, 1971 against the authorities concerned. In the present case, despite the decisions on the very ' issue upon which the objection has been raised qua the petitioner, the earliest decision laid before us is the order dated 13th July, 2010 passed in W.P. (C) No. 4094/2010 G.D. Memorial College of Education v. NCTE & Anr. We would be justified in invoking proceedings under the Contempt of Court Act against the respondents for failing to abide by the principles of law laid down."

9. I am sure respondent will take into consideration the aforesaid judgment before taking any decision.

10. Petition is disposed of with the above directions.

JAYANT NATH, J DECEMBER 9, 2020/st