

(2018) 07 RAJ CK 0217

In the Rajasthan High Court

Case No : Civil Contempt Petition No.1350, 1351 of 2018

autilya Mahila T T College @APPELLANT@Hash Subodh Agarwal

Date of Decision : 23-07-2018

Acts Referred:

Citation : (2018) 07 RAJ CK 0217

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : O.P. Sharma, Abhinav Sharma, Anand Sharma

Judgement

Dr.Abhinav Sharma, AAG for the respondent-State submitted that pursuant to the order dated 28.6.2018 passed in SBCWP No.12360/2018 the

petitionersâ?? cases for grant of NOC was considered but rejected. He submitted that the reasons for rejection in the case of Kautilya Mahila T.T.

College (SBCWP No.11451/2018) lay in failure of the said College to furnish proof of area of land and the construction thereon as required under the

NCTE Regulations to run a B.Ed. Course. And for the petitioner Ravindra Pal Singh TT College (SBCWP No.12360/2018) the reasons for rejection of

application for grant of NOC lay in the said College, not furnishing the list of approved staff/ faculty selected by a Committee constituted by the

affiliating University as also the lack of documents regarding approval of land offered for the B.Ed. course for change of user to institutional.

Mr.O.P. Sharma, counsel for the petitioners submitted that it was incumbent upon the State Government before rejecting the application/s to notify the

petitioners-Colleges of the lacunae such that they could be removed. He submitted that the State Government issues NOCs only as a regulatory

authority and not as an authority finding any cause whatever, even if actuated by error/s to reject the application. Principles of natural justice are

inherent, in all decisions making having a bearing on civil consequences. The orders rejection of applications for grant of NOCs by the order dated

13.7.2018 which have been annexed with the reply to the contempt petitions, are mechanical. No compliance of the Court's order as intended is made out.

Heard. Considered.

Ordinarily as a matter of compliance with principles of natural justice rejection of the application for grant of NOC under the order dated 13.7.2018

ought to have been followed only after petitioners being given an opportunity of hearing as such rejection entails civil consequences. The second round

of counselling for allotment of students to B.Ed. courses for Academic Year 2018-19 expires on 25.7.2018, a mere two days from today and the

B.Ed. courses are stated to commence on 01st, August, 2018. If the petitioners in the circumstances were required to take their remedies against the

rejection of their applications for grant of NOCs by way of filing the fresh petitions as normally the aggrieved are, it is likely to cause them irreparable

prejudice in the facts of the case.

Besides, Mr.O.P. Sharma counsel for the petitioners submitted that following the order dated 13.7.2018 the petitioners-Colleges have furnished the

requisite documents earlier mistakenly not submitted to overcome the lacunae found by the respondent leading to reject their application/s for grant of

NOC to run the B.Ed. course for which NCTE as the main regulatory body has already granted recognition.

In the circumstances, I am of the considered view that it would be just and proper in the facts obtaining to require the respondents to reconsider the

petitioners' case for grant of NOC in view of the fact that under the order dated 28.6.2018 in SBCWP Nos.12360/2018 and 11451/2018 passed

by the Single Judge of this Court (Hon'ble Mr. Justice Sanjeev Prakash Sharma, VJ) it has been held that the last date for making an application

for grant of NOC cannot be said to be sacrosanct and despite the application being delayed, order thereon be passed.

Put up on 25.7.2018.

It goes without saying that the directions as above, will entail only consideration afresh of the applications in issue and the respondents shall be free to

exercise their discretion in that regard fairly and in accordance with law.