

(2022) 03 DEL CK 0187

In the Delhi High Court

Case No : Civil Writ Petition No. 4285 Of 2022, Civil Miscellaneous No. 12744 Of 2022

Gyandeep Shikshak Prashikshan Mahavidyalaya

APPELLANT

Vs

National Council For Teacher Education And Anr

RESPONDENT

Date of Decision : 25-03-2022

Acts Referred:

National Council For Teacher Education (Recognition Norms And Procedure) Regulations, 2014 — Regulation 5(3)

Citation : (2022) 03 DEL CK 0187

Hon'ble Judges : Rajiv Shakdher, J; Jasmeet Singh, J

Bench : Division Bench

Advocate : Mayank Manish, Ravi Kant, Shivam Singh, Jaideep Khanna

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

1. Issue notice to the respondents.
2. Mr Shivam Singh accepts notice on behalf of the respondents.
3. With the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.
4. The substantive prayers made in the writ petition read as follows:

"(a) pass a writ of certiorari or any other appropriate writ or order quashing and setting aside the impugned Regulation 5 (3) of the National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 to the extent it requires the petitioner to submit No Objection Certificate issued by the concerned affiliating body along with online application and its Hard Copy, however, the same is ultra vires the NCTE Act, 1993; and

(b) pass a writ of certiorari or any other appropriate writ or order quashing and setting aside the impugned order dated 14.10.2016 issued by the Respondent

No.2 refusing application of the petitioner institution seeking recognition for conducting B.A. B.Ed. / B.Sc. B.Ed. course due to non submission of No Objection Certificate by the petitioner institution along with online application and its Hard Copy; and

(c) pass a writ of mandamus or any other appropriate writ or order or direction directing the Respondent No.2 to process and decide the application of petitioner institution for grant of formal recognition order under clause 7 (16) of national council for teacher education (recognition norms and procedure) regulations 2014 for conducting the B.A. B.Ed. / B.Sc. B.Ed. course for the ensuing academic session 2022-23 de-hors the requirement of no objection certificate of the affiliating university along with online application or its Hard Copy.”

5. Mr Mayank Manish, who appears on behalf of the petitioner, says that in view of the fact that the petitioner has been able to obtain a No-Objection Certificate [in short “NOC”] from the affiliating university, the petitioner, for the moment, does not need to challenge Regulation 5(3) of the National Council for Teacher Education [Recognition Norms and Procedure] Regulations, 2014.

5.1 In other words, the relief sought in prayer clause (a) need not be pressed.

6. Furthermore, it is Mr Manish’s submission, that having regard to the fact that the petitioner, as averred has already obtained a NOC from the Government of Rajasthan, its application for recognition can be processed by respondent no.2 i.e., Western Regional Committee, National Council for Teacher Education (NCTE), as per the extant Rules.

6.1 Mr Singh says, that in view of the submission made by Mr Manish on behalf of the petitioner, respondent no.2 can reexamine the application of the petitioner and dispose of the same, in accordance with the established procedure.

7. Given the foregoing, the writ petition is disposed of with the following directions:

(i) The order dated 14.10.2016, passed by the Northern Regional Committee, NCTE, whereby the petitioner’s application for recognition was rejected primarily on the ground that the petitioner did not have a NOC issued to it by the affiliating body, shall stand quashed.

(ii) Respondent no.2 will consider afresh, the application for recognition available with it, in the light of the fact that the petitioner claims that it has obtained a NOC from the Department of Higher Education, Government of Rajasthan.

(iii) A fresh order will be passed by respondent no.2 qua the petitioner’s application for recognition, within twelve weeks from the date of receipt of a certified copy of the NOC.

(iv) Parties will act based on the digitally signed copy of this order.

8. Consequently, pending application shall stand closed.