

(2019) 02 DEL CK 0393

In the Delhi High Court

Case No : Civil Writ Petition No. 257 Of 2018

Siddhi Vinayak Collage

APPELLANT

Vs

National Council For Teacher Education And Anr

RESPONDENT

Date of Decision : 28-02-2019

Acts Referred:

National Council for Teachers Education Act, 1997 — Section 14

Citation : (2019) 02 DEL CK 0393

Hon'ble Judges : C. Hari Shankar, J

Bench : Single Bench

Advocate : Mayank Manish, Karn Deo Baghel, Vardhman Kaushik, Dhruv Joshi, Naresh Kaushik

Final Decision : Allowed

Judgement

1. In terms of Section 14 of the National Council for Teachers Education Act, 1997 (hereinafter referred to as "the NCTE Act"), the petitioner applied, on 30th June, 2015, to the Western Regional Committee (WRC) of the NCTE for grant of recognition, to the Siddhi Vinayak College, Madhya Pradesh, for starting the B.Ed. course.

2. The application was recommended by the Department of Higher Education, Bhopal, vide letter dated 9th October, 2015.

3. In its 232nd Meeting, held on 16/17th September, 2015, the WRC rejected the petitioner's application on the ground that the requisite processing fee was submitted by the institution after the date of online application. In fact, the exact ground of rejection reads thus:

"...the institution has submitted fee after the date of the online application. Hence, the application is summarily rejected."

4. On the ground that the aforesaid rejection order was passed without grant of any notice or prior opportunity to the petitioner, the High Court of Madhya

Pradesh set aside the aforementioned order, dated 15th October, 2015, and directed issuance of show cause notice to the petitioner, before any decision adverse to the petitioner was taken.

5. This resulted in the issuance, to the petitioner, of a show cause notice on 30th November, 2016 and submission, by the petitioner, of response, thereto, on 30th December, 2016.

6. The matter was again placed before the WRC in its 267th Meeting held on 23/25th January, 2017.

7. The WRC again rejected the petitioner's application, tersely holding that the reply submitted by the petitioner was examined and the explanation by the petitioner was found to be unsatisfactory.

8. On this ground, the petitioner's application was rejected and recognition for B. Ed course, as prayed for therein, was refused.

9. The petitioner has moved this Court, thereagainst.

10. Mr. Mayank Manish, learned counsel appearing for the petitioner, has drawn my attention to an order, dated 6th March, 2018, passed by a Coordinate Bench of this Court in W.P.(C) 827/2018 (Pajhrapara Satellite Teachers Training Institute v. National Council for Teacher Education), which reads thus:

" Vide the present petition the petitioner has prayed for quashing of the order dated 2nd May, 2017 passed by respondent no.2 as also the order dated 13th December, 2017 passed by respondent no.1, as per which the request of the petitioner/Institute, for grant of formal recognition to start a B.Ed. Course, had been rejected on the ground that the petitioner/Institute had initially submitted a demand draft of only Rs.25,000/- against the prescribed requirement of depositing Rs.1,50,000/- alongwith the application seeking recognition.

On 28th January, 2018, the parties were heard at some length and the learned counsel for the petitioner submitted that the petitioner/Institute had duly submitted the demand draft for the said requisite amount of Rs.1,50,000/- along with its reply dated 20.03.2017 to respondent no.2 and that the said amount was paid much before the rejection orders passed by respondent no.2. At that stage, Ms.Monika Arora, learned counsel for the respondent had prayed for time to get instructions/file a reply, if needed.

Today, learned counsel for the respondents fairly submits that in view of the admitted position, that the petitioner had duly paid the requisite amount of Rs.1,50,000/- much before the rejection order was passed by respondent no.2, the delay on the part of the petitioner in depositing the requisite amount along with the application can at best be treated as a procedural irregularity. In view of the earlier decisions of this Court, the rejection of the petitioner's application for recognition on the ground of a procedural irregularity, cannot be sustained.

In view of the submissions made by learned counsel for the parties, the

impugned order dated 2nd May, 2017 is set aside and the matter is remanded back to respondent no.2 with a direction to process the petitioner's application within four weeks subject to the petitioner meeting all the other prescribed criteria for recognition of the B.Ed. course.

The petition is disposed of in the above terms"

(Emphasis supplied)

11. It is clear that that the afore-extracted order covers the present case on all fours.

12. In the said case, too, there was a delay in non-depositing of the requisite fees for processing the fees for grant of recognition.

13. In the present case, too, the application of the petitioner has been rejected solely on the ground that there was a delay in depositing the requisite fees, and that the explanation of the petitioner, for the said delay, has not been found to be satisfactory.

14. I am in agreement with the view expressed, in the afore-extracted judgment, dated 6th March, 2018, of this Court, that such delay, especially where delay is of a very short period - in the present case, of one day - ought not to be made a ground to reject the application and invite litigation, which unnecessarily consumes precious judicial time.

15. Learned counsel for the respondents has sought to contend that, in the present case, the initial details of the bank draft entered in the application were incorrect and subsequently a fresh demand draft number was inserted.

16. I am of the view that this submission cannot alter the outcome of this writ petition.

17. In the first place, the rejection of the petitioner's application was not on this ground. Secondly, there is no dispute about the fact that, on 1st July, 2015, the demand draft, covering the fees which was required to be paid, had necessarily been paid by the petitioner and was subsequently submitted with the respondent.

18. In view thereof, the matter being fully covered by the judgment of this Court in Pajhrapara Satellite Teachers Training Institute (supra), the impugned order dated 31.01.2017 passed by the Western Regional Committee and Order dated 10.08.2017 passed by the National Council for Teacher Education are quashed and set aside.

19. The writ petition stands allowed, with no order as to costs.

20. Needless to say, the respondents are directed to process the petitioner's application for grant of recognition of the B.Ed. course as expeditiously as possible, for the next academic session 2019-2020.