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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 8393/2022 & CM APPL. 25268/2022 (seeking interim directions)

VINDHYA GURUKUL COLLEGE & ANR. Petitioners

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
& ANR. Respondents

Through: Mr. Animesh Kumar, Mr. Nishant Kumar, Mr. Rishabh Gupta and Ms. Rushali Agarwal, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
26.05.2022

1. Vindhya Gurukul College [*hereinafter “the College”*] is aggrieved by the decision taken by Northern Regional Committee [*hereinafter “NRC”*] of NCTE in its 266th meeting held on 21st - 24th March, 2017 wherein it was granted recognition for only 50 seats (one basic unit) of B.Ed. course, as opposed to the original decision taken in the meeting dated 20th May, 2016, wherein recognition was granted with an annual intake of 100 seats (two basic units). The Petitioners, *inter alia*, seek a direction to restore the recognition in terms of the above-said original decision dated 20th May, 2016 or in the alternative, a direction to the Respondents to decide it's

representations.

2. The genesis of this petition arises from the NRC meeting held on 20th May, 2016, whereby the College claims that recognition was given for B.Ed. course with intake of 100 students (two basic units) for the academic year 2017-18. Petitioners contend that NRC could not have *suo moto* reviewed the above-said decision *vide* subsequent Order dated 17th April, 2017 and reduced the intake of the College from 100 seats (two basic units) to 50 seats (one basic unit), without specifying any reason for the same.

3. At the outset, the Court has queried the counsel about the gross delay on part of the Petitioners in impugning the afore-said orders. In response thereto, Mr. Amitesh Kumar, counsel for the Petitioners states that several representations were made by the Petitioners against the said decisions which not been considered by the Respondents. Mr. Kumar further submits that the subsequent Order dated 17th April, 2017 is contrary to law since NRC has no *suo moto* powers to re-open and review its own decisions.

4. *Per contra*, Mr. Animesh Kumar, counsel for the Respondents contends that the minutes of NRC in its meeting dated 20th May, 2016 were only published on the website and there was no formal communication issued for the recognition as contended by the Petitioners. He further states that prior to Order dated 17th April, 2017, a show cause notice dated 31st January, 2017 was issued to the College.

5. The Court has heard the submissions advanced by counsel for the

parties.

6. The subsequent Order dated 17th April, 2017 was well-within the knowledge of the Petitioners and has been passed after affording an opportunity of hearing. Therefore, if the Petitioners had any grievance, it ought to have exercised its remedies, in accordance with law and in time. The College has concededly restricted its intake all throughout to 50 seats. Merely by making representations, the Petitioners cannot extend the cause of action. In fact, on a query of the Court, counsel for the Petitioner admits that there is no statutory provisions/ mechanism under the Act for making such representations. Therefore, pendency of the representations cannot be a ground to explain the delay. Petitioners should have impugned the subsequent Order dated 17th April, 2017 expeditiously and within reasonable time, by approaching a court of law, if no statutory remedy was available, as contended by the Petitioners. Filing multiple representations cannot be considered a ground for ignoring the gross delay on their part in approaching the Court. Petitioners have also made an alternate prayer for issuance of direction(s) to NRC to decide representations, however, the Court finds no reason to issue such a direction. Since the Petitioners are guilty of delay and laches, the petition deserves to be rejected at the threshold. By seeking the alternate prayer, Petitioners are seeking an opportunity to subsequently contend that rejection of the representation has given a fresh cause of action. This cannot be permitted in the facts of the case discussed. In fact, such a practice of filing representations, in an attempt to extend the cause of action as a ground to overcome the delay, should be discouraged.

7. Thus, in absence of any satisfactory explanation for the gross delay, the Court is not inclined to entertain the present petition.
8. Dismissed. The pending application is also dismissed.

SANJEEV NARULA, J

MAY 26, 2022/nk