

\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision :- 25.05.2018.

+ W.P.(C) 5751/2018

SHRI RAM COLLEGE OF EDUCATION Petitioner
Through Mr.Sanjay Sherawat, Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR
..... Respondent
Through Ms.Arunima Dwivedi, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. Vide the present petition, the petitioner has impugned the order dated 21.05.2018 passed by respondent no.2, whereby the respondent no.2 had rejected its application for grant of recognition for D.El.Ed course on the ground that the deficiencies, which were pointed out to the petitioner vide the show-cause notice dated 15.03.2018, were removed only subsequently as the gift deed in respect of the adjacent land was registered in favour of the petitioner only on 27.03.2018.

2. Learned counsel for the petitioner submits that, the impugned order was contemptuous as it overlooked the fact that once the respondents had themselves assured this Court that the petitioner's application would be reconsidered by considering all subsequent documents, there was no justification on the part of the

respondent no.2 to ignore the aforesaid gift deed dated 27.03.2018. He further submits that even otherwise this Court had in various decisions held that any subsequent document, which is made available to the respondents at the time of the consideration of the petitioner's application, the same ought to be considered by the respondent before passing any final decision on the application.

3. Learned counsel for the petitioner also places reliance on a decision dated 19.02.2018 passed by Division Bench of this Court in W.P.(C)No.1358/2018, wherein this Court had, in fact, come down heavily on the respondents, for ignoring the settled legal position. It may be appropriate to refer to para 24 of the aforesaid decision:-

“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) 4094/2010 G.D. Memorial Collage of Education v. NCT & 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.”

4. On the other hand, Ms.Dwivedi, learned counsel for the respondents defends the impugned order on the ground that since this Court had not given any specific direction to the respondents to consider the gift deed registered in favour of the petitioner, after the date of the initial application, the respondent no.2 was justified in

passing the impugned order.

5. Having considered the rival contentions of the parties, I am of the view that impugned order dated 21.05.2018 is wholly unsustainable and overlooks the fact that once this Court had, after noticing the subsequent gift deed registered in favour of the petitioner and had after quashing the rejection of petitioner's application, directed respondent no.2 to reconsider the petitioner's application in accordance with law, it was expected that the respondent no.2 will take into account the settled legal position. It was, therefore, incumbent upon the respondent to consider any subsequent document submitted by the petitioner before re-consideration of its application.

6. Thus, it is apparent that the respondent no.2 despite being aware of the settled legal position, has failed to consider the gift deed dated 27.03.2018 submitted by the petitioner and has mechanically passed the impugned order reiterating its earlier stand. Accordingly, the impugned order dated 21.05.2018 is set aside and the matter is remanded back to the respondent no.2 with a direction to reconsider the petitioner's application by duly considering the gift deed dated 27.03.2018 and decide the same within a period of 2 weeks by passing a reasoned and speaking order.

7. It is, however, directed that, in case, any meeting of the respondent no.2 is held before two weeks, the petitioner's case would be considered in the said meeting of respondent no.2, itself.

8. It is made clear that the petitioner's application would not be rejected on the ground that the said gift deed was registered after the filing of the initial application by the petitioner.

9. Needless to say, in case, the petitioner is still aggrieved by the decision taken by the respondent no.2, it will be open for the petitioner to take legal recourse as permissible under law.

10. The writ petition stands disposed of in the above terms.

REKHA PALLI
(JUDGE)

MAY 25, 2018

sr

सत्यमेव जयते