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

\+ **W.P.(C) 10471/2022 & CM APPL. 30244/2022**

J.J. MAHILA M.ED. COLLEGE ..... Petitioner

Through: Mr. Manmohan Singh Narula, Advocate

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

..... Respondents

Through: Mr. Animesh Kumar, Advocate with Mr. Nishant Kumar and Ms. Anjali Kumari, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 12.07.2022

1. Petitioner-institute has invoked Article 226 of the Constitution of India, 1950 seeking issuance of a writ of mandamus for a direction to Respondents to process and decide the application submitted by Petitioner-institute for grant of issuance of revised recognition order for M.Ed course, in terms of the procedure and schedule fixed by the Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya vs. State of Uttar Pradesh and Ors.***[1]

2. Before adverting to the Petitioner's contention, a brief factual background must be noted:

[1] 2013 (2) SCC 617.

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2.1. On 9th August, 2007, NCTE granted recognition to the Petitioner-institution for conducting M.Ed Course with an annual intake of 25 students, which was subsequently enhanced to 35 students from academic session 2010-2011 onwards *vide* order dated 27th September, 2010/ 9th October, 2010.

2.2. Subsequently, NCTE framed new regulations called National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 – which were notified in the official gazette on 1st December 2014. In December, 2014, NCTE also issued certain guidelines for institutions to comply with, subsequent to which, a revised recognition order was to be issued.

2.3. In terms thereof, Petitioner-institute avers that an affidavit dated 16th January, 2015 was submitted seeking revised recognition of M.Ed. Course, which was followed by a reminder in the form of a representation dated 7th March, 2022.

3. In the above background, Petitioner-institute has approached this Court seeking the issuance of a writ of mandamus, in the following terms:

> *"(i) issue a writ of mandamus or any other appropriate writ, order or direction of like nature thereby directing the respondents to process and decide the petitioner's application for grant of revised recognition of M.Ed. course in time bound manner as per procedure & schedule fixed by Hon'ble Supreme Court of India; and/or*
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> *(ii) Consequentially issue a writ of mandamus or any other appropriate writ, order or direction of like nature thereby directing the respondents to follow the Standard Operating Procedure (SOP) notified by the NCTE while processing and deciding the petitioner's application for grant of revised recognition of M.Ed. course; and/or*
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> *(iii) issue a writ of mandamus or any other suitable writ, order or direction*

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directing the respondents to communicate the petitioner's status as a recognized institution for the year 2021- 2022 to the petitioner's affiliating university and the State Government.; and/or

(iv) issue a writ of mandamus or any other suitable writ, order or direction directing the respondents to update/modify its website to reflect petitioner as a recognized institution.; and/or

ALTERNATIVELY

(v) issue a writ of mandamus or any other appropriate writ, order or direction of like nature thereby directing the respondents to provide a copy of refusal/rejection order, in the event, the respondent no.2 has already rejected/refused the petitioners application for revised recognition of M.Ed. course; and/or

(vi) pass any other or further order(s) which this Hon'ble Court deems it fit and proper to pass in favor of the petitioner and against the respondents and which has not been specifically prayed in the body of the petition, in interest of justice."

4. At the outset, the Court has queried if Petitioner-institute has any proof of submission of the affidavit dated 16th January, 2015 seeking revised recognition; to which, counsel for the Petitioner-institute states that the affidavit has been notarised, however, there is no proof of submission. He nevertheless, impresses upon the Court that a direction be issued to the Respondents to decide its representation dated 7th March, 2022.

5. It is noted that there is no communication placed on record by Petitioner-institute after submission of the alleged affidavit dated 16th January, 2015 till the date of representation dated 7th March, 2022. That apart, counsel for the Petitioner-institute has failed to explain if there is any statutory provision enabling Petitioner-institute to give a representation of such nature, and if a corresponding obligation lies on the part of NCTE to decide such a representation.

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6. The delay in approaching the Court from 2015 till 2022, has not been satisfactorily explained. Merely because the representation was made after a period of seven years, it cannot be said that a fresh cause of action has arisen in favour of the Petitioner-institute to seek a mandamus, as prayed for.

7. Since the Petitioner-institute is guilty of delay and laches, the petition deserves to be dismissed. The mere filing of the representation in 2022, cannot extend the cause of action and be considered as a ground to overcome the delay. This Court in ***Vindhya Gurukul College & Anr. Vs. National Council for Teacher Education & Anr***,[2] has already observed that such a practice should be discouraged.

8. For the fore-going reasons, the present petition is dismissed.

SANJEEV NARULA, J

JULY 12, 2022
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[2] In W.P. (C) No. 8393/2022 *vide* order dated 26th May 2022

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