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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010204722026

+ **W.P.(C) 6295/2026 & CM APPL. 30924/2026**

LT MATUSHREE SHANTABEN JIVRAJBHAI KORAT B ED
COLLEGE & ANR.

...Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti Kumari,
Ms. Vipasha Jain, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

.....Respondents

Through: Mr. Hardik Rupal, Ms. Aishwarya
Malohotra, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

12.08.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

“(a) issue a writ of certiorari or any other suitable writ or order quashing & setting aside order dated 28.03.2016/28.06.2016 issued by WRC and order dated 20.08.2025 passed by Appellate Authority of NCTE; and/or

(b) issue a writ of mandamus or any other suitable writ or order directing respondents to restore recognition of B.Ed course with intake of 100 students (two basic units); and/or

(c) issue a writ of mandamus or any other suitable writ or order directing respondents to update the status of petitioner institute and display its name in the list/category of recognised institutions for conducting B.Ed course with



intake of 100 seats (two basic units) on their official website & inform affiliating University as well as Department of Higher Education, Government of Gujarat communicating status of petitioner institution as recognized institution for conducting B.Ed course with intake of 100 seats (two basic units)”

2. The case of petitioners is that the Western Regional Committee (“WRC”) vide its order dated 09.08.2005 granted recognition to petitioner for running B.Ed course of one year with intake of 100 students. Subsequently, after coming into force of National Council for Teacher Education (Recognition norms and procedure) Regulations, 2014 (“NCTE Regulation, 2014”), WRC issued revised recognition order dated 31.05.2015 for running B.Ed course with duration of two years with annual intake of 100 seats (two basic units). After 2014, as duration of B.Ed course increased from one year to two year, therefore, existing institutes were required to create additional facilities to meet the requirement of enhanced duration of B.Ed course as per NCTE Regulation, 2014. It is submitted that in order to provide additional facilities NCTE by its public notice dated 18.12.2015 required existing institutions to provide the same upto 30.05.2016.
3. Mr. Kumar, learned counsel for the petitioners, submits that petitioner No.2/Trust in its meeting held on 26.07.2015 decided to close the B.Ed course and accordingly, a letter dated 06.08.2015 was sent to WRC. Immediately thereafter, Members of Managing Committee & Trust realized mistake on their part in taking aforesaid decision regarding closure and felt that an institution established 15 years back should not



be closed. Consequently, another meeting of Trust was held on 07.09.2015 and a resolution was passed for continuation of B.Ed course. Thereafter, Managing Trustee of petitioner No.2 vide his letter dated 09.10.2015 informed the Regional Director WRC regarding aforesaid decision taken by the Trust in its Meeting held on 07.09.2015 to continue the B.Ed course and requested for continuation of B.Ed course being run by petitioner institute.

4. It is further submitted that thereafter, though petitioner again submitted a representation dated 30.05.2016 to WRC requesting for continuation of recognition of B.Ed course of petitioner institution, however, WRC closed the B.Ed course of petitioner institute by issuing impugned order dated 28.03.2016/28.06.2016. Even appeal filed by petitioner stands rejected by appellate authority by order dated 20.08.2025 on the ground of delay.
5. It is submitted that impugned order passed by WRC is contrary to request made by petitioner by its letter dated 09.10.2015, 30.05.2016. It is further submitted that impugned order passed by appellate authority is without consideration of affidavits dated 11.04.2018 & 26.04.2019 as well as representations dated 24.04.2020 & 07.06.2023. It is further submitted that in any case, the said decision is not in conformity with scheme of National Council for Teacher Education Act, 1993 (**"1993 Act"**) and NCTE Regulation 2014. In this regard, my attention has been drawn to provisions contained in Section 17 of the 1993 Act as well as Regulation 7(19) to contend that as per scheme, either an order of withdrawal under Section 17 of the 1993 Act or



closure of course/institute in terms of Regulation 7(19) can be passed but the order dated 28.03.2016 is not an order of withdrawal of recognition of B.Ed course and in any event, the closure is not in accordance with mandatory procedure contemplated under NCTE Regulations, 2014. Thus, it has been contended that impugned order passed by WRC as well as order passed by appellate authority cannot be sustained. It is further submitted that in any event, as required under revised recognition order dated 31.05.2015, petitioner has created additional physical & academic infrastructure for running B.Ed course with intake of 100 seats (two basic units) and therefore, subject to verification of said infrastructure under Section 13 of the 1993 Act, petitioner may be permitted to continue with 100 seats (two basic units) of B.Ed course.

6. Mr. Rupal, learned counsel appearing for respondents opposed the matter and submitted that order dated 28.03.2016 was issued by WRC on the request submitted by petitioner institute itself. It is further submitted that said order was issued by WRC as per decision taken in 255th Meeting of WRC held on 22nd-24th June, 2016 in which WRC had taken a decision to permit closure of B.Ed course of petitioner institute as per their request. It is further submitted that WRC has rightly taken impugned decision of closure as per request of petitioner. He further submits that as petitioner filed appeal much beyond prescribed time therefore appellate authority was justified in rejecting petitioner's appeal.
7. I have considered the matter and examined materials placed on record



by parties.

8. A perusal of material placed on record shows that though petitioner by its letter dated 06.08.2015 requested for closure of B.Ed course but immediately thereafter, petitioner No.2 Trust passed a resolution dated 07.09.2015 for continuation of B.Ed course and intimation in this regard was sent to WRC through speed post dated 09.10.2015. Thus, WRC was not justified to act on the basis of previous letter dated 06.08.2025 by ignoring subsequent resolution dated 07.09.2015 sent by letter dated 09.10.2015. Therefore, impugned action taken by WRC was impermissible and cannot be sustained.
9. Section 13 of the 1993 Act provides a procedure which needs to be followed before issuing Show Cause Notice for withdrawal under Section 17 of the 1993 Act which reads as under:-

“13. Inspection:

(1) For the purpose of ascertaining whether the recognised institutions are functioning in accordance with the provisions of this Act, the Council may cause inspection of any such institution, to be made by such persons as it may direct, and in such manner as may be prescribed.

(2) The Council shall communicate to the institution the date on which inspection under sub-section (1) is to be made and the institution shall be entitled to be associated with the inspection in such manner as may be prescribed.

(3) The Council shall communicate to the said institution, its views in regard to the results of any such inspection and may, after ascertaining the opinion of that institution,



recommend to that institution the action to be taken as a result of such inspection.

(4) All communications to the institution under this section shall be made to the executive authority thereof, and the executive authority of the institution shall report to the Council the action, if any, which is proposed to be taken for the purpose of implementing any such recommendation as is referred to in sub-section (3)."

10. The compliance of provisions contained in Section 13 of the 1993 Act is statutorily and mandatory before any action of withdrawal can be taken under Section 17 of the 1993 Act.
11. Further the Hon'ble Supreme Court of India in the matter of ***National Council for Teacher Education v. Vaishnav Institute of Technology & Management, (2012) 5 SCC 139*** has considered the scheme of the 1993 Act & more particularly in respect of Section 13 & 17 thereof and has held as under:-

"22. Once recognition has been granted by the Regional Committee to an institution, the Council has to ensure that such recognised institution functions in accordance with the 1993 Act. To achieve that objective, the Council has to get inspection of recognised institution done periodically and, if such institution is found wanting in its functioning as required, then recommend to the institution the remedial action to be taken by it as a result of the inspection.

24. What is clear from the provisions of the 1993 Act is that post-recognition, an institution acquires a different



position. On recognition by the Regional Committee under Section 14 and on affiliation being granted by the examining body, once the recognised institution starts functioning, the interest of teachers, employees and the students intervene. In order to ensure that the recognised institutions function in accordance with the 1993 Act, the 1997 Rules, Regulations and the conditions of recognition and, at the same time, the functioning of such recognised institutions is not disturbed unnecessarily, the provision for inspection and follow-up action pursuant thereto has been made in Section 13.

25. *By Section 13, as a matter of law, it is intended that the Council ascertains whether the recognized institutions are functioning in accordance with the provisions of the 1993 Act or not. For that purpose, it empowers the Council to cause inspection of any such institution to be made by such persons as it may direct, and in such manner as may be prescribed. The Council may authorise the Regional Committee to carry out its function of inspection. But such inspection has to be made as prescribed in Rule 8 to find out whether such recognised institution is or is not functioning in accordance with the provisions of the 1993 Act.*

27. *On the inspection being completed as provided in sub-sections (1) and (2) of Section 13 of the 1993 Act read with Rule 8 of the 1997 Rules, the Council is required to communicate to the institution concerned its views with regard to the outcome of the inspection and, if deficiencies*



are found, to recommend to such institution to make up the deficiencies. The whole idea is that the Council as a parent body keeps an eye over the recognised institutions that they function in accordance with the 1993 Act and the Rules and the Regulations and Orders made or issued thereunder and, if any recognised institution is found wanting in its functioning, it is given an opportunity to rectify the deficiencies.

28. *Derecognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers and the staff. That is why, the Council has been empowered under Section 13 to have a constant vigil on the functioning of a recognised institution. On the recommendation of the Council after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the 1993 Act or the Rules or the Regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of recognition in accordance with the procedure prescribed therein.*

29. *Sections 17 and 13 must be harmoniously construed. In exercise of its powers under Section 17, the Regional Committee may feel that inspection of a recognised institution is necessary before it can arrive at the satisfaction as to whether such a recognised institution has contravened any of the provisions of the 1993 Act or the Rules or the*



Regulations or the Orders made thereunder or breached the terms of the recognition. In that event, the route of inspection as provided under Section 13 has to be followed. If the Regional Committee has been authorised by the Council to perform its function of inspection, the Regional Committee may cause the inspection of recognised institution to be made as provided in Section 13 and prescribed in Rule 8. Where, however, the Regional Committee feels that the inspection of a recognised institution is not necessary for the proposed action under Section 17, obviously it can proceed in accordance with the law without following the route of inspection as provided under Section 13”

12. It is clear from the aforesaid judgment of Hon’ble Supreme Court that by Section 13 of the 1993 Act, as a matter of law, it is intended that council ascertains whether the recognized institutions are functioning in accordance with the provisions of the 1993 Act or not and for the said purpose, it empowers the Council to cause inspection of any such recognized institution.
13. Not only that, a perusal of the aforesaid paragraphs of the judgment of Hon’ble Supreme Court in the matter of ***Vaishnav Institute of Technology & Management (Supra)*** shows that it is incumbent on respondent No. 1 to furnish copy of the inspection report and give opportunity to the institution to take remedial actions. Only once that opportunity is granted and no remedial action is taken, the order under Section 17 of the 1993 Act can be passed.
14. It is undisputed that revised recognition order dated 31.05.2015 was



issued by WRC permitting petitioner institute to conduct B.Ed programme with two years duration with an annual intake of 100 students (two basic units of 50 students each) from academic session 2015-16. Further, the said revised order also required petitioner to create additional facilities and thereafter the same was required to be verified. The para 3 of revised recognition order reads as under:-

“3. And whereas, it has been decided to permit the institution to have two basic units of 50 students each subject to the institution fulfilling following conditions namely,

I. The institution shall create additional facilities that include (a) additional built-up area, (b) additional infrastructure, (c) additional funds, (d) additional staff as per Regulations, 2014 and inform Regional Committees with required documents by October 31, 2015.

II. The applicant-institution for additional unit will be required to submit the required documents such as land documents, Encumbrance Certificate (EC), Land Use Certificate (LUC), Building Plan (BP) and the Approved Staff List in the specified proforma available on the website to the Regional Committee in proof of having provided additional facilities before October 31, 2015. Building Completion Certificate (BCC) may be given along with other documents if available, otherwise it can also be given to the Visiting team at the time of inspection.

III. The Regional Committees shall arrange for verification of



documents, inspection of these premises and check adherence to these conditions by 20 Feb, 2016. If it is found by the Regional Committee that the institution fails to comply with these requirements, the institutions shall not be permitted to admit students for the academic year 2016-2017.

IV. In case any. existing institution's matter is sub-judice under court direction/SCN under section 17 of the NOTE Act/Complaint etc., the institution shall be required to submit a copy of the Hon'ble Court order/reply to SCN/complaint/already submitted along with the documents, if any together the documents referred above. In case the institution's request for shifting of premises is pending, such institutions shall be required to submit the requisite documents as per provisions of the NCTE Regulations, 2014 with a copy of the order/NOC of the affiliating body/State Govt. and such other documents as indicated in the revised format recognition order. The final decision shall be subject to the directions given by the Hon'ble Court in the Writ Petition/case decided by the Western Regional Committee in respect-of Section 17/complaint cases etc.”

15. It has been contended by learned counsel for the petitioners that petitioner institute is an existing institution recognized by WRC and was already running B.Ed course with 100 seats (two basic units). Further it has also created additional facilities required for running B.Ed course with 100 seats (two basic units). Further, petitioner has



informed about the same by various representation submitted by it to WRC.

16. Accordingly, keeping in view, law laid down by Hon'ble Supreme Court in the matter of aforesaid judgment ***Vaishnav Institute of Technology & Management (Supra)*** and the fact that petitioner has created additional facilities for running B.Ed course with 100 seats (two basic units) and also in view of the fact that it is an existing institution duly recognized by WRC for running B.Ed course, impugned order dated 28.03.2016 passed by WRC and also order dated 20.08.2025 passed by appellate authority cannot be sustained and is accordingly set aside. However, as the petitioner institute is presently not running B.Ed course and additional facilities for running said course with 100 seats (two basic units) is required to be verified, therefore, petitioner institute may admit students in B.Ed course (100 seats) subject to verification of the institute in terms of following directions:-

(i) The Council (NCTE) is directed to carry out fresh inspection in terms of Section 13 of the 1993 Act in respect of B.Ed course (100 seats) and inform the petitioner institution about recommendations/views, if any, on the basis of such inspection alongwith inspection report. The inspection shall be carried out preferably within a period of 8 weeks from today;

(ii) In the event, any deficiencies are pointed out in the recommendations, NCTE will grant reasonable time to the petitioner institution to rectify the same and if petitioner is



unable to rectify/comply with recommendations, then NCTE will forward the matter in respect of B.Ed course (100 seats) to the WRC for taking fresh action in accordance with law;

(iii) If no deficiencies are recommended, or in case deficiencies recommended by NCTE are rectified by petitioner institution during the time period granted to it, WRC will restore the recognition of petitioner institution for 100 seats (two basic units) of B.Ed course and accordingly, after restoration of recognition, petitioner shall be entitled to participate in the counselling and admit students in B.Ed course.

(iv) Consequently, respondents shall communicate about the restoration order to the affiliating university of the petitioner institution as well as to the State Government of Gujarat and Counselling Authorities regarding recognized status of B.Ed course of petitioner institute. Further, respondents will also do the needful with regard to updation of the status of petitioner institution in respect 100 seats (two basic units) of B.Ed course on their official website.

17. In view of the above, the petition stands disposed of.

JASMEET SINGH, J

AUGUST 12, 2026/sp