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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010240102024
+ **W.P.(C) 6111/2024 & CM APPL. 25359/2024**
LATE NIRDHANRAO PATIL WAGHAYE ADHYAPAK
MAHAVIDYALAYA AND ANR.

.....Petitioner

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

.....Respondent

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 writ a 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 of the impugned withdrawal order dated 20.12.2020 issued by WRC and impugned appeal order dated 26.05.2022 passed by Appellate Authority of NCTE; and/or
b) issue a writ of mandamus or any other suitable writ or order directing the respondents to restore the recognition of petitioner institution for B.Ed. Course with intake of 100



Students (Two Basic Units) and display the name of petitioner institution in the list/category of recognised institutions for conducting B.Ed. course (100 seats) on their website and to inform the affiliating university and the Department of Higher Education, Government of Maharashtra regarding recognized status of petitioner institution enabling inclusion and participation in the counselling & admission process for B.Ed. course for the present academic year 2024-25 and subsequent years.; and/or...”

2. The case of petitioners is that in order to fulfil the infrastructural requirements as provided in NCTE Regulations, 2002 (**“2002 Regulations”**), the petitioner No.2 arranged land admeasuring 0.80 HR bearing Gat No. 541/3 at Kesalwada (Wagh), Maharashtra by way of a lease deed dated 23.12.2004 for a period of 30 years. Thereafter, in terms of provisions contained in 2002 Regulations, the petitioner No. 2 submitted its application dated 30.12.2004 seeking recognition of B.Ed. Course for Late Nirdhanrao Patil Waghaye Adhyapak Mahavidyalaya situated at Lakhani, Bhandara, Maharashtra.
3. After carrying out inspection, Western Regional Committee (**“WRC”**) vide its order dated 27.06.2005 granted recognition to petitioner for running B.Ed course with intake of 100 students from academic year 2005-06.
4. It is the case of petitioner that in order to fulfil & comply with statutory requirement of Clause 7(d) of Appendix-7 of the 2002 Regulations, petitioner purchased additional land bearing Gat



no.191/1 at Gadegaon, Lakhani, Distt. Bhandara, Maharashtra on 20.02.2006 and after construction of building, it shifted in the new building before expiry of three years and has been functioning in the said permanent building for more than 17 years.

5. Subsequently, after coming into force of NCTE (recognition norms & procedure) Regulations, 2014 (**“2014 Regulations”**), petitioners submitted its affidavit dated 13.01.2015 wherein it mentioned new address of institute. Thereafter, NCTE also issued revised recognition order dated 21.08.2015 in respect of B.Ed. course with annual intake of 100 seats (two basic units) from academic session 2015-16. However, WRC vide its impugned order dated 20.12.2020 withdrew recognition of B.Ed course on the ground that institute did not shift in its own premises till date. The statutory appeal filed by petitioner has also been rejected by appellate authority by its impugned order dated 10.12.2021 on the ground that though petitioner shifted to its own building but said shifting was not made by petitioner with prior approval of WRC.
6. Mr. Kumar, learned counsel for petitioners, states that impugned decision taken by WRC is completely unfounded and contrary to records as though petitioner had already shifted in its own permanent building, still WRC withdrew recognition on the ground that petitioner has not shifted to its own premises within period of three years from the date of issue of the recognition order. It is further submitted that appellate authority confirmed the order of WRC but on grounds which are at variance and in excess of ground mentioned by WRC. In support of its contentions, learned counsel for petitioners has



placed reliance on ***Rattan Singh Girls College of Education vs. National Council for Teacher Education & Anr., 2013 (137) DRJ 50*** and Judgment dated 16.09.2025 in ***W.P. (C) No. 10295/2025*** titled ***Janata Shikshan Prasarak Mandals Womens B.Ed College & Anr. v. NCTE & Anr.*** It is further submitted that as per standard operating procedure (SOP) of NCTE, two show cause notices were required to be issued for any penal action under Section 17 of the National Council for Teacher Education Act, 1993 (***“1993 Act”***) but only one show cause notice was issued and thus, impugned withdrawal order was passed in breach of SOP.

7. It is further submitted that in terms of paragraph No. 3 of revised recognition order dated 21.08.2015 though respondent No.1 was required to inspect the petitioner institute under Section 13 of the 1993 Act but no inspection was carried out by NCTE. He further submits that withdrawal order passed by WRC is in violation of law laid down by Supreme Court of India in the matter ***of National Council for Teacher Education v. Vaishnav Institute of Technology & Management, (2012) 5 SCC 13***. He also submits that Section 13 of the 1993 Act provides for Inspection of "recognized institutions". As per Section 13(1) of the 1993 Act, only NCTE can cause inspection of recognized institutions. It is mandated by Section 13(3) of the 1993 Act that after inspection of recognized institution, NCTE shall communicate its views with regard to result of such inspection and such views along with inspection report needs to be communicated to the institution so as to ascertain the opinion of the institution. Thereafter, NCTE is required to consider the inspection report, its



views communicated to institution and opinion of the institution thereupon and thereafter, a recommendation is to be made by NCTE to the institution regarding "action to be taken" as a result of such inspection. However, WRC withdrew recognition of B.Ed course of petitioner institute in the absence of any inspection by NCTE under Section 13 of the 1993 Act.

8. Mr. Rupal, learned counsel appearing for respondents opposed the matter and submitted that both Regional Committee and Appellate Authority are justified in passing impugned orders and the same does not require any interference by this Court. He further submits that as per the 2014 Regulations, petitioner was required to take prior approval of WRC before shifting to a new premises. He also submits that after notification of the 2014 Regulations, it became applicable to all existing recognized institutions and there is no exemption available to any existing institute from the requirement of seeking prior approval for shifting of premises.
9. I have considered the matter and examined materials placed on record by parties.
10. It is undisputed that petitioner submitted its application seeking approval of B.Ed course when NCTE Regulation (Form of application for recognition, the time limit of submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course or training) 2002 Regulations was in force. The appendix 7 of said regulation provided norms & standards for B.Ed course, clause 7 of which reads as under:-



“7. Infrastructural Facilities

- a) There shall be provision for adequate number of classrooms, hall, laboratory space for conducting instructional activities for approved intake of 100 students, separate rooms for the principal, faculty members, office for the administrative staff and a store. The size of instructional spaces shall not be less than 10 sq.ft. per student.*
- b) There shall be a library equipped with text and reference books related to the prescribed courses of study, educational Encyclopedia, year books, electronic publications (CD-ROMs) and journal on teacher education.*
- c) There shall be games facilities with a playground. Alternatively, the playground available with the attached school/college may be utilized and where there is scarcity of space as in metropolitan towns/hilly regions, facilities for yoga, indoor games may be provided.*
- d) To provide these facilities, the Management/Institutions shall, at the time of making application, have in its possession adequate land/land and building on ownership basis free from all encumbrances. Govt. land acquired on long term lease as per the law of the concerned State/UT will also be considered valid for the purpose. Pending construction of permanent building in the above land, the institution may provide these facilities in suitable temporary premises up to a maximum period of 3 years, before expiry of which the institution should shift to its permanent building.”*



11. As clause 7 (d) of appendix 7 of the 2002 Regulations itself required petitioner institute to shift to its permanent building within a maximum period of three years therefore action of petitioner in shifting to its permanent building cannot be faulted. Further, after shifting to its own permanent building petitioner has been functioning at the said location and also submitted an affidavit dated 13.01.2015 for the purposes of issued of revised recognition order. Acting on said affidavit, WRC issued revised recognition order on 21.08.2015. It is not in dispute that petitioner institute has been functioning in its own permanent building. Therefore, impugned orders passed by both WRC and appellate authority cannot sustain.
12. Further, a perusal of ground of withdrawal mentioned in paragraph No. 4 of withdrawal order dated 28.12.2020 and ground of rejection of appeal mentioned in paragraph Nos. 2 & 3 of appellate authority order dated 26.05.2022 shows that the grounds mentioned by appellate authority were never put to notice to petitioner and said grounds are in excess of grounds on which original order of withdrawal was passed by WRC. This court has taken similar view in judgment dated 16.09.2025 in ***Janata Shikshan Prasarak Mandals Womens B.Ed College (Supra)***.
13. Further, 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).”

14. 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.
15. Further, the Hon’ble Supreme Court of India in the matter of ***Vaishnav Institute of Technology & Management, (Supra)*** 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 recognised 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”*

16. It is clear from the aforesaid judgment that power and authority to inspect a recognized institution is conferred only upon NCTE under Section 13 and Regional Committee does not have any jurisdiction and authority to inspect a recognized institute. The Hon’ble Supreme Court has clearly held that by Section 13 of the 1993 Act, 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 and for the said purpose, it empowers the Council to cause inspection of any such recognized institution.

17. 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 the 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.
18. It is to be noted that during pendency of appeal before appellate authority, this court vide its order dated 10.12.2021 passed in W.P. (C) No. 14107/2021 had permitted petitioner to admit students during academic session 2021-22. However, it is undisputed that after issuance of revised recognition order, no inspection has been carried out by NCTE under Section 13 of the 1993 Act.
19. In view of the above, impugned order dated 28.12.2020 passed by WRC and order dated 26.05.2022 passed by Appellate Authority cannot be sustained and are accordingly set aside. However, as the petitioner institute is presently not running B.Ed course in view of action of withdrawal of recognition therefore, petitioner institute may admit students in B.Ed course subject to verification of the institute in terms of following directions:-
 - (i) The NCTE is directed to carry out fresh inspection in terms of Section 13 of the 1993 Act and inform the



petitioner institution about recommendations/views, if any, on the basis of such inspection along with 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 to Regional Committee for taking fresh action in accordance with law; and
- (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 Maharashtra 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.

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

JASMEET SINGH, J

AUGUST 12, 2026/sp