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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010331852024
+ **W.P.(C) 7945/2024 & CM APPL. 32755/2024, CM APPL.**
54222/2024

SWASTIK COLLEGE OF EDUCATION & ANR.

.....Petitioner

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

.....Respondent

Through: Mr. Mohinder JS Rupal Mr. Hardik
Rupal Ms. Aishwarya Malhotra Ms.
Tripta Sharma Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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06.08.2026

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

- a) *issue a writ of mandamus or any other suitable writ or order or direction to the respondents to issue the order of restoration of recognition for B.Ed. Course with 100 seats (two basic units); and/or*
- b) *issue a writ of mandamus or any other suitable writ or order or direction to the Respondents to display the name of petitioner institution in the list/ category of recognised institutions for conducting B.Ed. Course*



on their website and to inform the affiliating university as well as Department of Higher Education, Government of Gujarat communicating the restoration order and recognition status of petitioner institution for conducting B.Ed. Course enabling participation in the counselling & admission process for the academic year 2024-25; and/or

c) issue a writ of mandamus or any other suitable writ or order or direction to the Respondents to decide the pending proceeding under Section 17 of NCTE Act initiated by Respondent No.2 vide show cause notice dated 05.02.2021 for B.Ed. Course in accordance with Standard Operating Procedure (SOP) notified by NCTE and after grant of opportunity of hearing, in a time bound manner; ”

2. The case of petitioners is that Western Regional Committee (“WRC”) vide its order dated 05.06.2003 granted recognition to petitioner for running B.Ed course with intake of 100 students from academic year 2003-04. Subsequently, WRC vide its order dated 13.08.2009 withdrew recognition of B.Ed course of petitioner institute. The statutory appeal was also rejected by Appellate Authority by its order dated 05.01.2010.
3. However, in view of Judgment & order dated 14.05.2010 passed by Gujarat High Court in Special Civil Application No 3205 of 2009 and connected matters, the WRC decided to conduct inspection of petitioner institute under Section 17 of National Council for Teacher



Education Act, 1993 (**“1993 Act”**). Thereafter, inspection was carried out by Regional Committee on 22.04.2011 but said inspection report was not provided to petitioner. Subsequently, on the basis of said inspection report, WRC by its order dated 26.07.2011 again withdrew recognition of B.Ed course of petitioner institute. Further, Appellate Authority by its order dated 04.01.2012 again rejected the petitioner’s appeal.

4. Being aggrieved, petitioner again approached Gujarat High Court, by filing SCA No. 13749/2018 which was rejected by order dated 06.09.2018. However, Division Bench of Gujarat High Court by its order dated 08.03.2019 passed in LPA No.554/2019 permitted the petitioner to submit a representation with direction to decide the same in accordance with law keeping in mind special circumstances of the petitioner. However, Appellate Authority passed by its order dated 10.06.2019 rejected the said representation.
5. Thereafter, petitioner again submitted a detailed representation dated 18.07.2019 to respondents requesting for reconsideration of its matter pertaining to B.Ed course in the light of aforesaid order dated 08.04.2019 of Division Bench. As the said request was not being considered, petitioner again approached Gujarat High Court by filing SCA No. 2029/2019 which was disposed of by order dated 08.10.2020 with following direction:-

“Having heard learned counsel for both the sides and considering the limited consensus arrived at between the parties and so as to cut-short the limited issue involved in the



matter and since the parties are not insisting for reasoned order, the respondent No.1 NCTE is directed to Decide the representation made by the petitioner on 18.07.2019 as early as possible but not later than 2 months from the date of receipt of this order. If the said respondent is not inclined to accept the said representation, then the respondent No.1 shall pass a reasoned order.”

6. Thereafter, WRC considered the matter pertaining to recognition of B.Ed course of petitioner institute and issued a fresh show cause notice dated 05.02.2021 under Section 17 of the 1993 Act. Though, petitioner submitted reply to said show cause notice on 25.02.2021 but thereafter again, matter remained pending with WRC and no further action has been taken.
7. Mr. Kumar, Learned Counsel for petitioners, states that WRC issued withdrawal order without any jurisdiction and authority and acted in violation of mandatory provisions contained in Section 13 of the 1993 Act. It is further submitted that even inspection report dated 22.04.2011 was not provided to petitioner. 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 139**. He also submits that Section 13 of the 1993 Act provides for Inspection of “recognized institutions”. As



per Section 13(1), only National Council for Teacher Education (“NCTE”) can cause inspection of recognized institutions. It is mandated by Section 13(3) 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, the inspection carried out by WRC itself was without any jurisdiction and authority and even the procedure prescribed under Section 13 of the 1993 Act was not followed and thus, the withdrawal order issued by WRC being in violation of mandatory requirement under Section 13 of the 1993 Act is unsustainable and is liable to be quashed by this Court.

8. Mr. Rupal, learned counsel for respondents, opposes the matter and states that Regional Committee was justified in withdrawing recognition. He further submitted that show cause notice dated 05.02.2021 was issued by WRC inadvertently. He further submitted that despite having been provided opportunities, petitioner failed to demonstrate that it fulfilled the norms & standards laid down by respondents.
9. I have considered the matter and examined materials placed on record by parties.
10. 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 maybe 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).”

11. 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.
12. 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 of the 1993 Act 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. *De-recognition 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 recognized 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”

13. It is clear from the aforesaid judgment that power and authority to inspect a recognized institution is conferred only upon NCTE under Section 13 of the 1993 Act and Regional Committee does not have any jurisdiction & 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 NCTE 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 NCTE to cause inspection of any such recognized institution.
14. 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 inspection report and grant opportunity to the institution to take remedial action. Once that



opportunity is granted and no remedial action is taken, only then the order under Section 17 of the 1993 Act can be passed.

15. It is undisputed that inspection which formed the basis of withdrawal of recognition, was carried out by WRC and not by NCTE. Thus, entire action taken by WRC is not only without jurisdiction and authority under the 1993 Act but the same is also in teeth of aforesaid judgment of Hon'ble Supreme Court in the matter of ***Vaishnav Institute of Technology & Management (Supra)*** and accordingly, the same cannot be sustained.
16. It is apparent from materials placed on record that copy of the inspection report or an opportunity to remedy the shortfalls/deficiencies, as required under Section 13 of the 1993 Act was also not provided. Further, action was taken by respondents and impugned orders were passed not only in violation of mandatory requirement under Section 13 of 1993 Act but the entire action taken by respondents is also in violation of aforesaid judgment ***Vaishnav Institute of Technology & Management (Supra)***
17. Thus, I am of the view that once foundation of entire action taken by Regional Committee is without jurisdiction and authority and contrary to law laid down in ***Vaishnav Institute of Technology & Management (Supra)***, therefore, all subsequent action cannot be sustained.
18. It also appears from materials placed on record that though, petitioners submitted their reply to show cause notice dated 05.02.2021 but thereafter, no action was taken by WRC for approximately three years and matter was kept pending. There is no



justification on record for such delay on the part of WRC. The plea of “inadvertence” in issuing the show cause notice dated 05.02.2021 cannot be accepted as it is apparent from paragraph No. 13 of show cause notice that regional committee in its 326th Meeting held on 22nd-23rd January, 2021 considered the entire material and then took a conscious decision to issue show cause notice under Section 17 of the 1993 Act.

19. In view of the above, the withdrawal of recognition issued by Regional Committee and also the decision of appellate authority confirming the decision of Regional Committee 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 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 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 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 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.

20. The petition is disposed of in aforesaid terms.

AUGUST 6, 2026/ (MS)

JASMEET SINGH, J