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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12076/2023 &CM APPL. 47443/2023**
SARADA INSTITUTE OF TEACHER EDUCATION & ANR.

.....Petitioners

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

.....Respondents

Through: Mr. Anuj Kapoor, Mr. Shivom Sethi,
Mr. Nandeesh Nanda, Advs.

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+ **W.P.(C) 13109/2024 &CM APPL. 54774/2024**
SARADA INSTITUTE OF TEACHER EDUCATION & ANR.

.....Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti
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versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

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Through: Mr. Anuj Kapoor, Mr. Shivom Sethi,
Mr. Nandeesh Nanda, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

10.07.2026

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1. The petitioners have filed W.P.(C) 12076/2023 under Article 226 of
Constitution of India seeking following prayers:-

*“a) issue a writ of certiorari or any other suitable writ or
order quashing & setting aside the impugned withdrawal
order dated 27.12.2022 issued by ERC; and/or*

*b) issue a writ of certiorari or any other suitable writ or
order quashing & setting aside the impugned order dated*



- 22.05.2023 of the Appellate Authority to the extent the matter has been kept pending despite remand to regional committee; and/or*
- c) issue a writ of mandamus or any other suitable writ or order or direction to the respondent No.2 to provide report of inspection conducted under Section 13 to the petitioner institution; and/or...”*
2. In W.P.(C) 12076/2023, notice was issued vide Order dated 14.09.2023, however, as the matter was pending consideration, Appellate Authority of the National Council for Teacher Education (“**NCTE**”) passed the order impugned in W.P.(C) 13109/2024 dated 01.04.2024 rejecting petitioner institute’s appeal which led to filing of the second writ petition i.e. W.P.(C) 13109/2024 seeking following relief:-
- “a) issue a writ of certiorari or any other suitable writ or order quashing & setting aside the impugned order dated 01.04.2024 of the Appellate Authority of NCTE; and/or*
- b) issue a writ of mandamus or any other suitable writ or order or direction to the respondent No.2 to restore recognition of D.El.Ed. course and to update the status of Petitioner institution as recognized institution on the website of Respondents; and/or...”*
3. The notice in the second petition i.e. W.P.(C) 13109/2024 was issued vide order dated 19.09.2024 but no counter affidavit has been filed by respondents except the counter affidavit filed in WP (C) No. 12706/2023.



4. In the present matters, the challenge is with regards to the withdrawal order dated 27.12.2022 issued by Eastern Regional Committee (**“ERC”**), order dated 22.05.2023 of Appellate Authority and also subsequent order dated 01.04.2024 of Appellate Authority.
5. The case of the petitioner institute is that ERC *vide* its order dated 03.03.2015 granted recognition to petitioner institute for running D.El.Ed course with an intake of 50 students from academic year 2015-16. As the petitioner has been running the said course, ERC in its 305th Meeting held on 28.04.2022 decided to refer the matter NCTE for inspection of the petitioner institute under Section 13 of the National Council for Teacher Education Act, 1993 (**“the Act”**). Accordingly, NCTE carried out inspection of petitioner institute on 10.06.2022.
6. It is submitted by Mr. Kumar, learned counsel for petitioners that in violation of mandatory provision contained in Section 13 of the Act, neither inspection report was provided to petitioner, nor NCTE communicated its views with respect to result of such inspection.
7. It is submitted that without following mandatory requirement under Section 13 of the Act, NCTE acting in violation of Section 13 (3) of the Act forwarded the inspection report to ERC. Further, ERC in its 308th Meeting held on 02.09.2022 considered the said inspection report and decided to issue Show Cause Notice under Section 17 of the Act.
8. It is submitted that pursuant to aforesaid decision of ERC, a Show Cause Notice dated 06.09.2022 was issued and though petitioner institute sought further time to submit reply, however, instead of extending time for submission of reply, another Show Cause Notice



(Final Show Cause Notice) dated 19.10.2022 was issued. Though, petitioner institute submitted its reply dated 31.10.2022 to ERC, however, it is contended that without due consideration of reply and document submitted by petitioner, impugned withdrawal order dated 27.12.2022 was passed by ERC withdrawing recognition of D.El.Ed course of petitioner institute.

9. Being aggrieved, petitioner institute filed statutory appeal before Appellate Authority of NCTE under Section 18 of the Act on 25.02.2023. The appellate authority passed the impugned order dated 22.05.2023 (1st Appeal order) by which though matter was remanded to ERC for fresh inspection under Section 13 but the matter was kept pending by Appeal Committee with further direction to ERC to submit its report to appellate authority. However, ERC in its 331st Meeting held on 26.07.2023, observed that inspection of institute under Section 13 cannot be carried out by Regional Committee, therefore, it decided to refer the matter to inspection section of NCTE for inspection of petitioner under Section 13 of the Act.
10. It is submitted that being aggrieved by said order dated 22.05.2023, petitioner filed first writ petition, however, during pendency thereof, appellate authority passed the impugned order dated 01.04.2024 rejecting petitioner's appeal and confirming the impugned withdrawal order dated 27.12.2022 passed by ERC.
11. Mr. Kumar, learned counsel, submits that a bare perusal of grounds mentioned in show cause notice dated 06.09.2022 viz a viz withdrawal order dated 27.12.2022 shows that withdrawal order is not only



unreasoned (as it does not consider any of submission/documents submitted by petitioner by reply dated 31.10.2022) but the ground of withdrawal order is at variance (in excess) with the ground mentioned in the show cause notice of recognition of the petitioner institutions by the regional committees of the NCTE.

12. He further submits that withdrawal order passed by ERC is in violation of law laid down by the Hon'ble Supreme Court in the matter of ***National Council for Teacher Education v. Vaishnav Institute of Technology & Management, (2012) 5 SCC 139.***
13. He also submits that Section 13 of the Act provides for Inspection of "recognized institutions". As per Section 13(1), only Council (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 regards to result of such inspection, and such views along with inspection report, need 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.
14. After the decision taken by ERC in its 305th meeting held on 28.04.2022, though NCTE carried out inspection of the institution under Section 13(1) & (2), but in breach of mandate of Section 13(3), neither the inspection report was provided to the petitioner institute nor



views of the NCTE were communicated nor opinion of the institution was sought in respect of result of such inspection, and no recommendation was made by NCTE to the institution regarding action to be taken by the institute as a result of the inspection.

15. Therefore, it was submitted that the withdrawal order issued by ERC, being in violation of mandatory requirement under Section 13 (3) of the NCTE Act, is unsustainable and is liable to be quashed by this Court. The Appellate Authority passed the impugned order completely ignoring the aforesaid mandatory requirement under Section 13 of the Act.
16. Mr. Kapoor, learned counsel appearing on behalf of the respondents, has 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.
17. He further submits that despite having been provided opportunities, both before Regional Committee and Appellate Authority, petitioner institute failed to demonstrate fulfilment of norms & standards. He further submits that appellate authority has rightly rejected petitioner institute's appeal.
18. I have considered the matter and examined materials placed on record by parties.
19. Section 13 of the Act, provides a procedure which needs to be followed before issuing Show Cause Notice for withdrawal under Section 17 of the 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).”

20. The compliance of provisions contained in Section 13 of the Act is statutorily mandatory before any action of withdrawal can be taken under Section 17 of the Act.
21. Further the Hon’ble Supreme Court in the matter of ***Vaishnav Institute of Technology & Management (Supra)*** has considered the scheme of the Act more particularly in respect of Section 13 and 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”

22. A perusal of the aforesaid paragraphs shows that it is incumbent on NCTE 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 Act can be passed.

23. This Court vide its Order dated 16.02.2026 had directed respondents to place copy of inspection report on record, which has been handed over in court today and the same is taken on record.
24. It is undisputed that inspection report dated 10.06.2022 carried out by NCTE under Section 13 of Act was never provided to the petitioner institute and without following the requirement under Section 13, report was forwarded by NCTE to ERC and thereafter, ERC initiated proceedings under Section 17 of the Act by issuing first Show Cause Notice dated 06.09.2022. The said proceeding culminated in passing impugned withdrawal order dated 27.12.2022 and orders dated 22.05.2023 & 01.04.2024 by Appellate Authority.
25. It is apparent that from impugned orders that the copy of the inspection report or an opportunity to remedy the shortfalls/ deficiencies, as required under Section 13 of the Act was not provided. Further, the action was taken by respondents and impugned orders were passed not only in violation of mandatory requirement under Section 13 of Act but the entire action taken by respondents is also in violation of aforesaid judgment ***Vaishnav Institute of Technology & Management (Supra)***.
26. It is important to note that respondents took drastic action of withdrawal under Section 17 of the Act in respect of D.El.Ed



course of petitioner institute but inspection report dated 10.06.2022 did not find any deficiency in the petitioner institute and the same reads as under:-

“ 26. Overall assessment of the institution

Visiting team comprising of Dr. Leo Stanly, Professor, Dept. of Education (DDE), Alagapp University, Tamilnadu-630002 and Dr. B. Ramachandra Bhat, Professor, Dept. of Chemistry, NITK, Surathkal, Mangaluru-575025 visited the Sarada Institute of Teacher Education, Plot No. Rs. 23/290 Vill. Bikrampur, P.O. Bikrampur, bankura, West Bengal-722151 on 10.06.2022 to 11.06.2022 according to the inspection ID no. 220077 dt. 26.05.2022. The visit is done for the purpose of NCTE recognition for running the one unit of 50 students for D.El.Edprogramme. The members of visiting team perused all the relevant documents and physically verified the infrastructure instructional and other support system available for the D.El.Edprogramme for a unit with 50 students in the above said institution.

The in depth observations of the visiting team are as follows:

1. The college had applied and received NCTE recognition for D.El.Ed approval No. ERC/7-181.6.22/NCTE/ERCAPP1816/D.El.Ed/2015/30732 dt. 03.03.2015.
2. The land plot No. 23/290, Khata No. 244, comprising of total



area 2955.04 sqmts, build up area 1636.85 sq. mts. An affidavit of existing college, notarized certificates from architecture and building completion certificate from the competent authority showing that building is constructed from the said land is also obtained. All these documents were thoroughly investigated and enclosed.

- 3. The building of the said institution consisting of Principal room, Administrative Office, Secretary Room, separate faculty room, seminar hall, boys and girls common room, multipurpose hall, ICT lab, psychology lab, sports lab, Health and fitness lab, library cum reading room, physical education facilities, play ground, courts, safe drinking water, boys and girls rest room, fire extinguisher, adequate class room with all the facilities available for running a D.El.Edprogramme. All the labs and resource rooms are equipped with sufficient materials and lab instruments.*

On the basis of the above observation and critical evaluation throughout the two days and the information given in the assessment report and based on the verification of original records and assessment performa under NCTE Section 13, 14 &15 and Essential Datasheet under NCTE norms and regulations, 2014. The visiting team recommends that the Sarada Institute of Techer Education is well prepared for running a unit of D.El.Ed programme with intake of 50 students”



27. In view of the above, impugned order dated 27.12.2022 by ERC and order dated 22.05.2023 as well as 01.04.2024 passed by Appellate Authority cannot sustain and are accordingly set aside. ERC is directed to issue order of restoration of recognition of D.El.Ed course within two weeks.
28. It is further directed that respondents will update the status of petitioner institution as recognized institution for conducting D.El.Ed course on their official website and will also intimate all concerned, including State Government of West Bengal, Affiliating Authority and Counselling Authorities regarding recognized status of D.El.Ed course of petitioner institute within the aforesaid time period. The petitioner shall be entitled to participate in the counselling and admit students in D.El.Ed course.
29. The Common Inspection Report handed over in Court today is taken on record and shall be placed in the file of W.P.(C) 12076/2023.

JASMEET SINGH, J

JULY 10, 2026/sp