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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010410272026
+ **W.P.(C) 12679/2026 & CM APPL. 58893/2026**
SWAMI VIVEKANAND COLLEGE OF EDUCATION & ANR.

.....Petitioners

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

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

.....Respondents

Through: Adv Mohinder Rupal Adv Hardik
Rupal Adv Aishwarya Malhotra Adv Tripta
Sharma

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **01.09.2026**

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

" A. issue a writ of mandamus or any other suitable writ, order or direction holding that show cause notices dated 02.07.2026 & 04.08.2026 issued by Regional Director, ERC be treated to be only communications to petitioner institution calling upon information/response of institution to various aspects mentioned in the show cause notices in respect of B.Ed & D.El.Ed courses and permit petitioner to submit response within a period of 30 days. ..."

2. This order is being passed in view of a similar order dated 06.04.2026 passed in W.P.(C) 4466/2026, covering the present issue. Based upon the said



order and using the same reasons and expressions, this order is being passed.

3. It is the case of petitioners that respondents have issued a Show Cause Notice dated 02.07.2026 & final show cause notice dated 04.08.2026. The operative portion of final show cause notice dated 04.08.2026 reads as under:-

"2. AND WHEREAS, a complaint letter vide letter No. NCTE-C/PG011/556/2025-Complaint Section-HQ dated 02.03.2026 vide complaint letter dated 09.10.2025 has been received from the complaint Section, NCTE-HQ alongwith the complaint letter of the complainant namely Dr. Subra Palit.

3. AND WHEREAS, the matter was placed in ERC 400th Meeting held on 24-25th June, 2026 and committee decided as under:-

The original file of the institution alongwith other related documents, NCTE Act 1993, Regulations, Guidelines issued by NCTE from time to time, the SRC after careful consideration made the following observations:-

1. A complaint dated 09.10.2025 has been received from the complainant against the institution regarding removal from the service without serving the prior notice before removal from services.

In view of the above, the ERC decided that a Show Cause Notice be issued to the institution to submit its pointwise clarification on all points contained in the complaint within 21 days along with following documents:

I. Latest faculty list duly approved by the Registrar of the concerned affiliating body.



- II. The institution is required to submit copy of last six month's proceedings of the Management of the Institution along with the composition of the Society/Trust/Management.*
- III. Certified copy of bank statement showing the disbursement of salary to the appointed faculty members through e-transaction for at least six months issued by the concerned bank.*
- IV. Certified copy of the procedure adopted for recruitment and removal of the said faculty member as well as procedure for appointment of new incumbent on the said post.*
- V. Certified copy of the statement containing all the financial transactions into the account of the said faculty is also required.”*
4. Accordingly, show cause notice dated 02.07.2026 was issued to the institution and the institution has not submitted the reply.
5. Thereafter, the matter was placed in ERC 403rd Meeting held on 22-23rd July 2026 and committee decided as under:-

The original file of the institution along with other related documents, NCTE Act 1993, Regulations, Guidelines issued by NCTE from time to time, the ERC after careful consideration made the following observations:-

“1. First SCN was issued to the intuition dated 02.07.2026 and the institution has not submitted the reply.

After carefully observing the reply of SCN along with other related documents, is still deficient on the following grounds:-

1. Latest faculty list duly approved by the Registrar of the



concerned affiliating body.

2. The institution is required to submit copy of last six month's proceedings of the Management of the institution along with the composition of the Society/Trust/Management.

3. Certified copy of bank statement showing the disbursement of salary to the appointed faculty members through e-transaction for at least last six months issued by the concerned bank.

4. Certified copy of the procedure adopted for recruitment removal of the said faculty member as well as procedure for appointment of new incumbent on the said post.

5. Certified copy of the statement containing all the financial transactions into the account of the said faculty is also required.

In view of the above, the ERC decided, that Final Show Cause Notice be issued to the institution to submit its pointwise clarification on the complaint within 07 days along with the latest faculty list duly approved by the Registrar of the concerned affiliating body.

6. AND WHEREAS, in terms of above decision of Eastern Regional Committee, you are requested to make a written representation within 7 days along with all relevant supporting documents from the date of issue of this Final SCN. 7. NOW THEREFORE, in terms of decision of ERC, you are hereby required to Final Show cause as to why recognition of Swami Vivekanand College of Education, Plot No. 355-360, 363-366, 368-370 Street No- NH-33 Vill-Shalbani, PO-Bara Kharso, Tehsil/Taluka- Galudih, Town/City-Ghatsila, District Purba



Singhbhum, Jharkhand-832303 for B.Ed and D.El.Ed. programme should not be withdrawn u/s 17 (1) of NCTE Act, 1993 on the grounds mentioned above."

6. Mr. Kumar, learned counsel for the petitioners, raises a short grievance with respect to invocation of the provision of Section 17 of the National Council for Teacher Education Act, 1993 ("**1993 Act**"). He submits that NCTE grants recognition once it records its satisfaction that all infrastructural facilities are in place, in accordance with the provisions of the Act and Regulations made thereunder. He further submits that in any case, after grant of recognition, if NCTE wishes to verify any fact or requires any other information, same can always be communicated to the concerned institution but in no case such a communication should be described as under Section 17 of the 1993 Act.

7. He, therefore, submits that notice under Section 17 of the 1993 Act causes prejudice to the institution and it creates impression to public at large, that such an institution is ill maintained. He while referring to the nature of the information mentioned in communications dated 02.07.2026 & 04.08.2026 states that all those documents were already submitted by the petitioners before the recognition was granted to the petitioners and also vide its reply dated 22.07.2026 alongwith email dated 23.07.2026. In any case, petitioners are still willing to re-furnish those information.

8. Learned counsel further draws my attention to the judgment of the Coordinate Bench dated 27.03.2023 **titled B.R.T.T. College v. National Council for Teacher Education** passed in **W.P.(C) 8635/2020** and connected matters. The relevant paragraphs read as under:-

"15. If the provisions of Section 17 of the Act of 1993 are



considered in juxtaposition to the provisions of Sections 14 and 15 of the Act, it would indicate that if the RC intends to proceed for withdrawal of the recognition/permission so granted, it has to record its prima facie opinion on the basis of some facts or material which is available with it that necessitated action under Section 17 of the Act of 1993. If the provision of Section 17 of the Act of 1993 and the first proviso are harmoniously construed, the same would mean that before issuance of notice for withdrawal, the RC has to record reason as to which of the conditions stipulated under the Act, Regulation, Order, etc. is found to be violated by the concerned institution.

16. There has to be distinction between issuing letter seeking information from the institution simpliciter and notice under Section 17 of the NCTE Act of 1993. All communications or letters cannot, therefore, be made invoking Section 17 of the Act of 1993, unless invocation of Section 17 is inevitable.

17. Any SCN without any application of mind or material will not serve any fruitful purpose. On the other hand, it causes unnecessary harassment for the institution and the credibility of the institution becomes at stake, therefore, the "satisfaction" test may not be strictly applicable at the stage of SCN, but at least some material must exist apropos to the institution so that the same can be replied to by the institution.

26. In view of the aforesaid discussion, the decision with respect to 316th and 325th meeting of RC are directed to be treated as communications to each institution, calling upon them to submit



their responses instead of the same being notices under Section 17 of the Act of 1993."

9. A perusal of the said judgment clearly shows that the present Show Cause Notices dated 02.07.2026 & 04.08.2026 are contrary to the judgment and are only a document seeking information from the petitioners.

10. For the said reasons, issue notice.

11. Mr. Rupal, learned counsel accepts notice on behalf of the respondents and states that petitioners are under an obligation to furnish the relevant information asked by the NCTE and if the petitioners do not furnish the information, then necessary consequences will have to follow. He states that in any case, once information so required is furnished by petitioners, respondents will scrutinise the same and then invoke the power under Section 17 of the 1993 Act for withdrawal of recognition, if found necessary.

12. He further draws my attention to the judgment of ***Union of India v. Kunisetty Satyanarayana, (2006) 12 SCC 28*** and more particularly paragraph No. 13 which reads as under:-

"13. It is well settled by a series of decisions of this Court that ordinarily no writ lies against a charge-sheet or show-cause notice vide Executive Engineer, Bihar State Housing Board v. Ramesh Kumar Singh [(1996) 1 SCC 327: JT (1995) 8 SC 331], Special Director v. Mohd. Ghulam Ghouse [(2004) 3 SCC 440 : 2004 SCC (Cri) 826 : AIR 2004 SC 1467], Ulagappa v. Divisional Commr., Mysore [(2001) 10 SCC 639], State of U.P. v. Brahm Datt Sharma [(1987) 2 SCC 179: (1987) 3 ATC 319 : AIR 1987 SC 943], etc."

13. He also relies upon the judgment of the Gujarat High Court passed in



P.M. Patel College of Education v. Sardar Patel University, 2021 SCC OnLine Guj 151. The relevant paragraph reads as under:-

“64. Keeping in mind the above provisions, I am of the view that the present petition cannot be allowed on the following grounds. First, on the show-cause notice, the writ petition is not maintainable and therefore, the judgment on which the petitioner has relied upon would not squarely applicable to the facts of present case. Mere a show-cause notice or notice itself does not infringe the right of anyone. It is only when the decision is taken, then the party can have any grievance against the said order. No doubt, in a very rare and exceptional case, the High Court quashes the show- cause notice if it is found without jurisdiction or for some reason, it is wholly unreasonable. The petition has not made out any such case or allegation against the respondents. Under the circumstances, the writ petition is not maintainable. Second, pending the petition, the admission process has already over on 29.10.2020. Under the circumstances, I am of the view that the present petition has become infructuous. Under the circumstances, I am of the view that it would not be advisable for this court to enter into the merits and demerits of the case. In the decision in case of State of Hariyana v. Krisna Rice reported in (1981) 4 SCC 148 : AIR 1982 SC 1106, the Apex Court has clearly laid down that once the petition has become infructuous, the High Court should not decide it on merits. Under the circumstances, I am of the view that the petition does not require any further



consideration and requires to be dismissed as having become infructuous. Third, the appeal is provided against the order dated 4.5.2010. The NCTE Act is complete code, it provides efficacious remedy The writ is barred by alternative remedy.”

14. The law with regard to issuance of writ against Show Cause Notices is well settled. The Courts should refrain from interdicting the effect and operation of the Show Cause Notices but in the present case, the judgment of the Coordinate Bench dated 27.03.2023 has attained finality and it clearly draws a distinction that a Show Cause Notice under Section 17 of the 1993 Act must be based on an application of mind by the respondents and a prior satisfaction needs to be recorded that there are some materials which exist for the institution to reply to.

15. The present Show Cause Notices shows that there is no application of mind and except for a phrase "still deficient", there is no other basis to substantiate the deficiencies. The operative paragraph only calls for information from the petitioners.

16. Though letters dated 02.07.2026 & 04.08.2026 are nomenclatured as a Show Cause Notice under Section 17 of the 1993 Act, a closer scrutiny prima facie seems to suggest that notices are only seeking information from petitioners.

17. The appropriate course, to my mind, would have been that after submission of these documents, the respondents should have applied its mind whether the document supplied still show deficiencies on the part of petitioners and thereafter issue a notice under Section 17 of the 1993 Act.

18. In the view of the aforesaid, the following directions are passed:-

(i) Let the Show Cause Notices dated 02.07.2026 & 04.08.2026



be treated as only a "communication" to the petitioners calling upon to furnish the relevant information.

(ii) The petitioners shall furnish the relevant information within a period of four weeks.

(iii) The respondents after scrutinising the response to be made by petitioners shall examine the same and take a decision as to whether Section 17 of the Act of 1993 is to be invoked or otherwise.

19. With the aforesaid directions, the petition stands disposed of along with pending applications, if any.

SEPTEMBER 1, 2026/AS

JASMEET SINGH, J