



\$~129

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010466922026
+ **W.P.(C) 14332/2026**
M K INSTITUTION OF EDUCATION AND RESEARCH & 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, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

28.09.2026

%

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

"A. issue a writ of mandamus or any other suitable writ, order or direction holding that final show cause notice dated 18.09.2026 issued by Regional Director, WRC be treated to be only communication to petitioner institution calling upon information/response of institution to various aspects mentioned in the show cause notices in respect of M.Ed course 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 01.09.2026 passed in W.P.(C) 12679/2026, covering the present



issue and using the same reasons and expressions.

3. The brief facts of the case are that the respondents have issued a Show Cause Notice dated 23.12.2025 and final Show Cause Notice dated 18.09.2026. The operative portion of the said Show Cause Notice dated 23.12.2025 reads as under:-

“Further, the Committee observed that as a part of compliance report regarding fulfilment of conditions in pursuance of revised recognition order for M.Ed course of two years duration, the institution is required to submit following certified documents along with an affidavit by the management of institution:

- i. The certified registered land document/title in the name of institution supported with original affidavit related with land in NCTE proforma.*
- ii. Mutation certificate issued by competent Govt. Authority.*
- iii. Conversion of land from agriculture to educational purpose (CLU) issued by concerned Govt Revenue Authority of State.*
- iv. Blueprint of approved Building plan certified by the (Competent Govt. Authority indicating the name of the course, name of the institution. Khasra No./Plot No. total land area, total built-up area with the measurements*



of the Multipurpose Hall as well as other infrastructural facilities such as classrooms and other amenities etc.

v. Latest Non-encumbrance Certificate (Non-Encumbrance Certificate) issued by Competent Authority of State Government indicating that the land is free from all encumbrances.

vi. Certified copy of site plan with demarcated land area for running different courses.

vii. Certificate to the effect that the building is differently abled friendly from the Competent Government Authority.

viii. Latest Building Completion Certificate (BCC) in the prescribed format of NCTE (17 points) issued by the Competent Government Authority for all the courses being conducted in the premises.

ix. Latest/current approved faculty list in original in NCTE prescribed proforma signed on each page by the respective Affiliating Body(ies) with date.

x. Six months bank statement in respect of each faculty member showing bank account no. duly attested by concerned Bank.



xi. *Renewal copies of valid Fixed Deposit Receipts nationalized/scheduled Bank towards Endowment & Reserve fund in the joint operation mode with Regional Director, WRC. NCTE & Management along with duly filled Bank Form "A" in original. verified/ signed by the Manager of the Bank as per NCTE Regulations, 2014.*

xii. *Information related to creation and maintaining of institutional website updated in compliance to provisions under Clause 7(14)(i), 8(6), 8(14) and 10(3) of NCTE Regulations, 2014 as amendment from time to time.*

In additional to above, the institution is directed to submit the following:

iii. *Certified document regarding status of affiliation granted by the respective affiliating bodies from time to time since start of recognition for M.Ed. course fill date of revised recognition order.*

iv. *Certified documents regarding permission (if any) granted by concerned State Govt./Affiliating Body in connection with shifting of institution to new premises without prior approval of NCTE, WRC.*



In view of the above, Committee decided as under:

Show cause Notice u/s 17/(1) be issued to the institution with the direction to submit above certified documents supported with an affidavit within 30 days from the date of issue of show cause notice.

Further, the concerned University/Affiliating Body be requested to intimate the detailed status of affiliation granted to M.Ed. course of this institution within 30 days from the date of issue of the letter.”

4. It is the case of the petitioner Institution that the said Show Cause Notice dated 23.12.2025 was not received and therefore, reply could not be submitted by the Institution. However, the said contention with respect to non-receipt of the Show Cause Notice dated 23.12.2025 is disputed by the respondents.

5. Thereafter, respondent No. 2/WRC issued the final Show Cause Notice dated 18.09.2026 which reads as under:-

“15. And whereas, the matter was considered by WRC in its 467th (Part-V) meeting held on 13th-15th July, 2026 and the Committee decided as under:-

The file of the institution along with other related documents was carefully examined in the light of the NCTE Act, 1993, Regulation.,



and Guidelines issued in NCTE from time to time, along with compliance related to revised recognition order issued in pursuance of court order dated 12.12.2025, the Committee observed as under:

- i. Application dated 28.01.2026 for shifting of premises is received in WRC NCTE on 09.02.2026.*
- ii. NOC of affiliating body related to status of affiliation for M.Ed course from the academic session 2013-14 to 2026-27 is not submitted.*
- iii. Information not provided as to how the institution was running M.Ed. course while affiliation withdrawn by the affiliating university.*
- iv. NOC not submitted from Affiliating University i.e. Hemchandracharya North Gujarat University for shifting of premises.*
- v. Prior to approval for shifting of premises M.K. University cannot grant affiliation to M.Ed. course.*
- 1. In reference to SCN u/S 17 dated 23.12.2025 issued in pursuance of Revised Recognition Order dated 23.12.2025 on the direction of Hon'ble Court, reply vide letter*



dated 19.01.2026 submitted by institution.; The committee observed that institution is still deficient on the following:

- i. Rent deed (lease agreement) registered dated 28.12.2011 the name of trust is submitted, which is valid for 50 years.*
- ii. Mutation certificate of land issued by competent Govt. Authority is not submitted.*
- iii. Blueprint of approved Building plan where institution was granted recognition for M.Ed. course is submitted, which is not certified by the Competent Govt. Authority and not indicated therein, the name of the course, name of the institution, Khasra No./Plot No., total land area, total built up area with the measurements of the Multipurpose Hall as well as other infrastructural facilities such as classrooms and other amenities.*
- iv. Self Declaration Certificate dated 28.01.2026 is submitted by Trustee, Vitthalprabhu Education & Charitable Trust to the effect that the land is free from all kinds of encumbrances. Latest Non- Non- Encumbrance Certificate (NEC) issued by Competent Authority of State Government indicating that the land is free from all encumbrances is not*



submitted.

v. Certified copy of site plan with demarcated land area for running different courses is not submitted.

vi. Certificate to the effect that the building is differently abled friendly from the Competent Government Authority is not submitted.

vii. In support of BCC, copy of Occupancy Certificate dated 07. 01.2017 for plot no/Survey no.3 Paiki 1 &2/1 is submitted, wherein stated that the building is now completed and fit for occupation issued by Civil Supervisor, Patan Municipality. The Plot Survey no. mentioned in the document pertains to application for the proposed shifting of premises. Latest Building Completion Certificate (BCC) in the prescribed format of NCTE (17 points) issued by the (Competent Government Authority for all the courses being conducted in the premises is not submitted.

viii. Faculty list dated 12.01.2026 for M.Ed course is submitted comprising 01 principal + Professor + 08 Assistant Professor, which is not in complete prescribed proforma of NCTE and not countersigned by the concerned Affiliating University (with date) i.e. HNG. List



of faculty is countersigned by M.K. University with official stamp (without date).

ix. Six months bank statement in respect of each faculty member showing bank account no. duly attested by concerned Bank is not submitted.

x. Institution is granted recognition for M.Ed. course in the name “M.K. Institute of Education and Research, Vitthalprabhu Education and Charitable Trust”. whereas copy of Declaration Certificate dated 12.01.2026 submitted as proof of institute website

<https://www.mkuniversity.edu.in/departments-of-education-and-physical-education.php>.

which pertains to M.K. University. Being organized institution, it has not complied to provisions under Clause 7(14)(i), 8(6), 8(14) and 10(3) of NCTE Regulations, 2014 as amended from time to time.

xi. Certified document regarding status of affiliation granted by the respective affiliating bodies from time to time since start of recognition for M.Ed. course till date of revised recognition order is not submitted.

xii. Certified documents regarding



permission (if any) granted by concerned State Govt./Affiliating Body in connection with shifting of institution to new premises without prior approval of NCTE, WRC is not submitted. The Committee also noted that the application for the shifting of premises dated 28.01.2026 has been received after issuance of SCN dated 23.12.2025, so the application of shifting the premises shall be processed after any resolution passed in accordance with reply of SCN and/or further decision taken by Committee.

Therefore, the Committee decided that final Show Cause Notice u/S 17(1) be issued to the institution thereby providing an opportunity for making representation certified by the management supported with an affidavit within 15 days along with all relevant supporting documents from the date of issue of Show Cause Notice.”

6. Mr. Kumar, learned counsel for the petitioners, raises a short grievance with respect to invocation of Section 17 of the National Council for Teacher Education Act, 1993 (**“1993 Act”**). He states that NCTE grants recognition in accordance with the provisions of the Act and Regulations, once it duly records its satisfaction that all infrastructural facilities are in place. In any case, after grant of recognition, if NCTE wishes to verify any fact or requires any other



information, the same can always be communicated to the concerned institution but in no case such a communication can be described as a notice under Section 17 of the 1993 Act.

7. He also 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 not well maintained. He while referring to the nature of the information mentioned in the communications dated 23.12.2025 & 18.09.2026, states that all those documents as mentioned were already submitted by the petitioners before the recognition was granted to the petitioner Institution. In any case, petitioners are still willing to again furnish any such required information.

8. Learned counsel further draws my attention to the judgment of the Coordinate Bench of this Court 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 of the same 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 23.12.2025 & 18.09.2026 are contrary to the observations contained in the said judgment as they are only in the nature of documents seeking information from the petitioners.

10. For the said reasons, issue notice.

11. Mr. Kapoor, 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 same, then necessary consequences will have to follow. He states that in any case, once information so required is furnished by the petitioners, respondents will scrutinize 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 of the same, 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 of the said judgment 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 respect to invocation of writ jurisdiction against show cause notices is well settled. The Courts should generally refrain from interdicting the effect and operation of show cause notices. However, in the present case, the aforesaid judgment of the



Coordinate Bench dated 27.03.2023 has attained finality and the same 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 that require consideration.

15. It is undisputed that the respondents are entitled to call for any/all required documents and after analyzing the same, to issue a Show Cause Notice under Section 17 of the 1993 Act. However, a perusal of the present Show Cause Notices shows that there is no application of mind and except for the phrase “*still deficient*”, there is no other basis provided to substantiate the deficiencies. The operative paragraphs of the same only calls for information from the petitioners.

16. Though communications dated 23.12.2025 & 18.09.2026 are in the nomenclature of Show Cause Notices under Section 17 of the 1993 Act, a closer scrutiny *prima facie* seems to suggest that the said Notices are only seeking information from the petitioners.

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

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

- i. Let the Show Cause Notices dated 23.12.2025 & 18.09.2026 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 scrutinizing the response made by petitioners, shall examine the same and take a decision with respect to invocation of Section 17 of 1993 Act.

19. Needless to state, the aforesaid directions does not prevent the respondents from issuing notice under Section 17 of the 1993 Act in case the need is felt after submission of documents.

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

21. The Court has not examined the fact whether the first notice has been received by the petitioners or not.

JASMEET SINGH, J

SEPTEMBER 28, 2026 / (MS)