

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 4854/2023**

Date of Decision: 18.04.2023

**IN THE MATTER OF:**

**DOON VALLEY INSTITUTE OF EDUCATION THROUGH  
DOON VALLEY TRUST  
[A COMPANY REGISTERED UNDER THE COMPANIES ACT,  
1956]  
NEAR FIRE BRIGADE STATION, OUTSIDE JUNDLA GATE  
KAMAL, HARYANA  
THROUGH ITS DIRECTOR SH ROHIT GUPTA ....PETITIONER**

Through: Mr.Sanjay Sharawat and Mr.Ashok  
Kumar, Advocates.

Versus

**NATIONAL COUNCIL FOR TEACHER EDUCATION  
G-7, SECTOR-10 DWARKA,  
NEW DELHI-110087  
THROUGH ITS CHAIRMAN .....RESPONDENT NO.1**

**NORTHERN REGIONAL COMMITTEE  
NATIONAL COUNCIL FOR TEACHER EDUCATION  
G- 7, SECTOR- 10, DWARKA,  
NEW DELHI- 110087  
THROUGH ITS REGIONAL DIRECTOR .....RESPONDENT NO.2**

Through: Mr.Rahul Madan, Standing Counsel  
for NCTE and Mr.Saurabh Anand,  
Advocate.

+ **W.P.(C) 1679/2023**  
**IN THE MATTER OF:**

**DOON VALLEY INSTITUTE OF EDUCATION THROUGH  
DOON VALLEY TRUST**  
[A COMPANY REGISTERED UNDER THE COMPANIES ACT,  
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Advocate.

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

### **J U D G M E N T**

**PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The issue involved in both the writ petitions is common, therefore, the same are being decided by a common order.

2. The petitioner-institution is being run by Doon Valley Trust and was granted recognition by National Council for Teacher Education (in short 'NCTE') under the provisions of NCTE Act, 1993 (in short 'Act of 1993') *vide* orders dated 16.08.2004 and 29.09.2006. *Vide* order dated 16.08.2004, the petitioner-institution was granted recognition for 100 seats for B.Ed. course and *vide* order dated 29.09.2006, the petitioner-institution was granted recognition for an additional intake of 200 seats for B.Ed. course.

3. It is the case of the petitioner-institution that since the name of the petitioner-institution was not displayed by the NCTE on its official website as a recognised institute, therefore, the petitioner-institution had to approach this court in W.P.(C) 1679/2023, seeking appropriate relief.

4. On 09.02.2023, the said writ petition was taken up for hearing and notice was accepted on behalf of NCTE through its Standing Counsel and time was given to seek instructions. The matter was thereafter, taken up for hearing on 27.02.2023 and the learned counsel appearing for NCTE was granted further time to place on record the decision with respect to the prayer made in the writ petition. The matter was accordingly adjourned for 13.04.2023 and is now listed for consideration along with W.P.(C) 4854/2023.

5. Learned counsel appearing for the petitioner-institution states that instead of taking any decision in terms of the prayer made in W.P.(C) 1679/2023, the Northern Regional Committee (in short 'NRC') issued a Show Cause Notice (in short 'SCN') dated 21.03.2023 under Section 17 of the Act of 1993, requiring the petitioner-institution to submit various documents. He, therefore, states that the NRC has not acted in a fair manner and is unnecessarily harassing the petitioner-institution to avoid the

appropriate decision being taken in pursuance to the prayer made in the earlier writ petition i.e. W.P.(C) 1679/2023. He, further submits that as on date there is no final decision taken by the NCTE in terms of the Act of 1993 and therefore, the NRC cannot withhold the name of the petitioner-institution from the list of recognised institutions. He also states that the decision taken by the NRC and communicated in the impugned SCN dated 21.03.2023, is to the effect that admission of the students for the Academic Session 2023-2024 will be subject to final outcome of the SCN, which is without jurisdiction. According to him, even under the proviso of Section 17 of the Act of 1993, if any decision of withdrawal of recognition is taken, the same shall have to be given effect from the next Academic Year and in no case the admission for the Academic Year 2023-2024 can be made subject to the final outcome of the SCN. He, therefore, states that such an observation of the SCN creates an impression amongst the student community that the petitioner-institution is not properly maintained and the same is suffering final proceedings on NRC's end.

6. Learned counsel appearing on behalf of respondent-NCTE opposes the prayer and he states that the NRC is fully competent to issue the SCN, calling upon the petitioner-institution to submit the explanation if the NRC finds that the college is lacking sufficient infrastructure or finds violation of the provisions of the Act of 1993, Rules and the applicable regulations made there under. He, therefore, states that W.P.(C) 4853/2023 is not maintainable against the SCN and in W.P.(C)1679/2023, no further orders are required to be passed as the NRC has specifically noted that the petitioner-institution is lacking sufficient infrastructure. According to him, unless the deficiencies pointed out in the SCN are fulfilled, no directions can be given to include the

name of the petitioner-institution in the list of recognised institutes.

7. I have heard learned counsel appearing on behalf of the parties and perused the record.

8. The prayer made in W.P.(C)1679/2023 reads as under:-

*" It is therefore respectfully prayed that this Hon'ble Court may be*

*pleased to:-*

*[a] Issue a writ of mandamus and direct the Respondent No.2 to include and display the name of the Petitioner as an institution recognized for B.Ed course with an intake of 100 seats on the official website of NCTE in the "category of recognized institutions"; and*

*[b] Pass any other and further order( s) as may be deemed fit."*

9. This court on 09.02.2023 and 27.02.2023 passed the following directions:-

10. The order dated 09.02.2023 reads as under:-

*"1. Heard.*

*2. Notice.*

*3. Learned counsel appearing on behalf of AICTE seeks time to seek instructions.*

*4. List on 27.02.2023."*

11. The order dated 27.02.2023 reads as under:-

*"1. Learned Standing Counsel appearing on behalf of respondent No. 1*

*seeks some time to place on record the decision with respect to the prayer*

*made in the instant petition.*

*2. Let the same be placed on record before the next date of hearing.*

*3. List on 13th April, 2023."*

12. The impugned SCN dated 21.03.2023, spells out the following grounds for issuance of the SCN.

*"1. The Doon valley trust is required to send original application seeking recognition along with name of the institution, place, intake mentioned in the original application.*

*2. The Doon Valley Trust is to submit certified copy of Registered deed of trust along with names of the trustees and their present position.*

*3. The Doon valley trust is required to submit the place permitted to run the institution along with intake.*

*4. The Doon Valley Trust is required to submit the affiliation letter issued to it.*

*5. The Doon Valley Trust is required to submit the application made for incorporation of trust into company under section 25 of the Companies Act, 1956.*

*6. The Doon Valley Trust is required to submit the certificate of incorporation along with names of its directors and name of the institution run by the company Doon Valley Trust.*

*7 The Doon valley trust is required to tell the present status of the earlier Trust namely Doon Valley Trust.*

*8. The Doon Valley Trust is required to submit the compromise deed dated 13.11.2018 executed between it's directors.*

*9. The Doon Valley Trust is required to submit the details of website maintained by the institution."*

13. The impugned SCN further goes on to state that the NRC has decided that the decision to upload the name of petitioner-institution on its website as a recognised institution will be taken only after the culmination of the proceedings initiated through the SCN and the NRC has further decided that the admission of the students in the Academic Year 2023-2024 will be made subject to the final outcome of the SCN.

14. Under the scheme of the Act of 1993, once the recognition is granted to the institution concerned, the only provision under Section 17 of the Act of 1993 is to withdraw the same. For withdrawal of recognition, the provisions of Section 17 of the Act of 1993 and the applicable regulations are required to be followed. There is no provision under the Act of 1993 to enable the concerned RC or the NCTE to pass any interim direction subject to taking of a final decision with respect to the proceedings initiated under Section 17 of the Act of 1993. It is also to be noted that as per the provisions of Section 14 and 15, the recognition is only granted once the NCTE is satisfied with respect to all infrastructure being available at its place. The scheme of the Act does not provide for granting of recognition to ill-founded institutions. Since the very establishment of the educational institution involves the interest of a large number of candidates, therefore, it requires certainty to be maintained. It is for this reason that the institution concerned cannot admit the students until it fulfils all relevant provisions of the Act of 1993 and the Rules and Regulations made there under.

15. It is thus, seen that the recognition once granted can only be subject to cancellation under Section 17 of the Act of 1993 and hence, the interim direction issued in the instant case with respect to non- uploading of the name of the petitioner-institution in the list of recognised institution is not permissible in law. To the aforesaid extent, the impugned notice dated 21.03.2023 is therefore, set aside. Consequently, the name of the petitioner-institution is directed to be uploaded on the website of NRC in the list of recognised institutions within 7 working days from the date of receipt of the copy of this order and to take a final decision pursuant to Section of the 17 of the Act of 1993.

16. The further observation and the decision taken by NRC with respect to admissions for the Academic Year 2023-2024 being made subject to the final outcome of the SCN is also set aside.

17. So far as the issuance of the SCN is concerned, this court has perused the grounds on which the same has been issued. The institution which has been recognised under the provisions of the Act of 1993 is under an obligation to reply to the SCN and there cannot be any objection by the petitioner-institution in that respect. Therefore, the SCN to that effect is upheld. The petitioner-institution is directed to submit their reply within a period of 15 days from today.

18. Depending upon the reply to be submitted by the petitioner-institution, the NRC would be at liberty to decide the same in accordance with law and take a final decision.

19. With the aforesaid observations, the instant petition stands disposed of.

**PURUSHAINDRA KUMAR KAURAV, J**

**APRIL 18, 2023/MJ**