

2023:DHC:2834

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8635/2020 & CM APPL. 27814/2020**

DATE OF DECISION: 27.03.2023

IN THE MATTER OF:**B.R.T.T. COLLEGE**

THROUGH BRTT COLLEGE SHIKSHA SAMITI [REGD]
VPO SIRYANI, BEHROR, SHAHJAHAPUR, ALWAR
RAJASTHAN

THROUGH ITS SECRETARY SH OM PARKASH SHARMA
.... PETITIONER

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001

THROUGH ITS CHAIRMANRESPONDENT NO. 1

WESTERN REGIONAL COMMITTEE

NATIONAL COUNCIL FOR TEACHER EDUCATION
G-7, SECTOR-10
DWARKA, NEW DELHI-110087

THROUGH ITS REGIONAL DIRECTOR
.....RESPONDENT NO. 2

+ **W.P.(C) 8636/2020 & CM APPL 27811/2020**

BABA NARAYANDAS SHIKSHAK PRASHIKSHAK
MAHILA MAHAVIDYALAYA

THROUGH BABA SHRI NARAYAN DAS ABHINAV
SHIKSHA SAMITI [REGD]
NEAR SBI BANK, BEHROR, ALWAR RAJASTHAN
THROUGH ITS SECRETARY SH JAI PARKASH MEENA ..
PETITIONER

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
THROUGH ITS CHAIRMANRESPONDENT NO. 1

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

+ **W.P.(C) 2299/2021 & CM APPL 6699/2021**

SATYAM INSTITUTE OF EDUCATION AND TECHNOLOGY
THROUGH SATYAM SOCIETY [REGD]
BYE PASS ROAD, NH-58, VILLAGE JATAULI,
TEHSIL SARDHANA,
DISTRICT MEERUT, UTTAR PRADESH
THROUGH ITS PRESIDENT DR S.P. DESHWAL
....PETITIONER

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
THROUGH ITS CHAIRMANRESPONDENT 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

+

W.P.(C) 2366/2021 & CM APPL 6910/2021

**VENKATESHWARA COLLEGE OF HIGHER
EDUCATION**

VILL. DASHRATPUR, P.O. SAKOTI TANDA

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY CHANDBIR SINGH

....PETITIONER NO. 1

SHRI SAI COLLEGE OF EDUCATION

VILL. AMHERA ADIPUR, P.O. SIKHERA

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY NAVEEN KUMAR.

...PETITIONER NO. 2

SHRI SAI VIDYAPEETH

VILL. AMHERA ADIPUR, P.O. SIKHERA

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY NAVEEN KUMAR

... PETITIONER NO. 3

EXCELLENCE INSTITUTE OF HIGHER EDUCATION

VILL. JEWRI, P. O. MEERUT CANTT

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY KARTIK CHAUDHARY

...PETITIONER NO. 4

TIRUPATI INSTITUTE OF PROFESSIONAL STUDIES

VILL. DASHRATPUR, P.O. SAKOTI TANDA

DISTT. MEERUT, UTTAR PRADESH



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THROUGH ITS SECRETARY CHANDBIR SINGH
.....PETITIONER NO. 5

MEERUT COLLEGE OF HIGHER EDUCATION

VILL. ETMADNAGAR ALIPUR, P.O. ALIPUR

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY CHANDBIR SINGH
.....PETITIONER NO. 6

GANPATI COLLEGE OF HIGHER EDUCATION

VILL. DASHRATPUR, P.O. SAKOTI TANDA

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY CHANDBIR SINGH
....PETITIONER NO. 7

SARASWATI TEACHER TRAINING INSTITUTE

VILL. DASHRATPUR, P.O. SAKOTI TANDA

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY REENA TOMAR
....PETITIONER NO. 8

SHRI GURU GOVIND SINGH COLLEGE OF EDUCATION

VILL. BHAWALPUR, P.O. SARKADA

DISTT. MORADABAD, UTTAR PRADESH

THROUGH ITS SECRETARY SURENDRA KUMAR SINGH
....PETITIONER NO. 9

ABDUL KALAM COLLEGE OF EDUCATION

VILL. ETMADNAGAR ALIPUR, P.O. ALIPUR

DISTT. MEERUT, UTTAR PRADESH

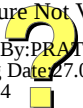
THROUGH ITS SECRETARY CHANDBIR SINGH
....PETITIONER NO. 10

MAA VAISHNO COLLEGE OF EDUCATION

VILL. DADRI, P.O. SAKOTI

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY SAVITA TYAGI



.... PETITIONER NO. 11

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
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

+ **W.P.(C) 2409/2021 & CM APPL 7011/2021**

ZAKIR HUSSAIN COLLEGE OF HIGHER EDUCATION
VILL. MULHERA, P.O. MULHERA
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY MAYANK BANSAL

....PETITIONER NO. 1

CSSD COLLEGE OF EDUCATION
VILL. NOROJPUR GURJAR, P.O. AGGARWAL MANDI
DISTT. BAGPAT, UTTAR PRADESH
THROUGH ITS SECRETARY SANJAY SINGH

.... PETITIONER NO. 2

APS COLLEGE OF EDUCATION
VILL. JULEHRA, P.O. SARDHANA
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY MANOJ RANA

....PETITIONER NO. 3

CH. SHIVCHARAN SINGH DEGREE COLLEGE
VILL. NOROJPUR, P.O. AGGARWAL MANDI
DISTT. BAGPAT, UTTAR PRADESH

2023:DHC:2834

THROUGH ITS SECRETARY RAJAT SINGH
.... PETITIONER NO. 4

DAYAWATI COLLEGE OF EDUCATION
VILL. SHOULDA, P.O. SHOULDA
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY CHANDBIR SINGH
.... PETITIONER NO. 5

DSM VIDYAPEETH
VILL. AFZALPUR LOOT, P.O. KAURALA
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY NEETU TOMAR
....PETITIONER NO. 6

RAINBOW COLLEGE OF HIGHER EDUCATION
VILL. SALARPUR, P.O. MAWANA
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY NEETU TOMAR
.... PETITIONER NO. 7

SUNRISE COLLEGE OF HIGHER EDUCATION
VILL SALARPUR, P.O. MAWANA
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY JYOTSANA RANI
....PETITIONER NO. 8

**SHRI GURU HAR GOVIND SAHABH JI MEMORIAL
COLLEGE OF EDUCATION VILL JHULHERA, P.O.
JULHERA**
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY JYOTSANA RANI
...PETITIONER NO. 9

MEERUT VIDYAPEETH EDUCATIONAL INSTITUTE
VILL MULHERA, P. O. MULHERA
DISTT. BIJNOR, UTTAR PRADESH
THROUGH ITS SECRETARY DEEPA KUMAR
....PETITIONER NO. 10



2023:DHC:2834

**FAKIRCHAND VIDYAPEETH EDUCATIONAL
INSTITUTE**

VILL. MOHD MURADPUR, P.O. MOHD MURADPUR
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY DEEPA KUMAR

....PETITIONER NO. 11

DAYANAND VIDYAPEETH EDUCATIONAL INSTITUTE

VILL. SHOULDA, P. O. SHOULDA
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY PARVEEN KUMAR BANSAL

....PETITIONER NO. 12

GANPATI VIDYAPEETH EDUCATIONAL INSTITUTE

VILL. MOHD MURADPUR URF SHOULDA, P.O.
MOHD MURADPUR DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY SORAN SINGH

....PETITIONER NO. 13

**AVIRAJ COLLEGE OF EDUCATION AND
TECHNOLOGY**

VILL. AMROLI URF BARAGAON, P.O NANGLA HARARU
DISTT. MEERUT, UTTAR PRADESH
THROUGH ITS SECRETARY PARVEEN KUMAR BANSAL

....PETITIONER NO. 14

INDRA DEVI MEMORIAL GIRLS DEGREE COLLEGE

VILL. MORNA, P.O. MORNA
DISTT. BIJNOR, UTTAR PRADESH
THROUGH ITS SECRETARY AMIT GARG

.... PETITIONER NO. 15

LAL BAHADUR SINGH SMARAK MAHAVIDYALAYA

VILL. GOHAWAR, P.O. GOHAWAR
DISTT. BIJNOR, UTTAR PRADESH
THROUGH ITS SECRETARY AMIT GARG

.... PETITIONER NO. 16

LAL BAHADUR SINGH SMARAK MAHAVIDYALAYA

VILL. GOHAWAR, P.O. GOHAWAR
DISTT. BIJNOR, UTTAR PRADESH
THROUGH ITS SECRETARY SUMIT GARG



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....PETITIONER NO. 17

DIGAMBER JAIN COLLEGE OF EDUCATION

VILL DADRI, P. O. SAKOTI

DISTT. MEERUT STATE UTTAR PRADESH

THROUGH ITS SECRETARY SUMIT GARG

....PETITIONER NO. 18

MEERUT COLLEGE OF PROFESSIONAL EDUCATION

VILL. KHIRWA JALAPUR, P.O. SAROORPUR

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY SUMIT GARG

.... PETITIONER NO. 19

SHIV NARAYAN COLLEGE OF EDUCATION

VILL. KHIRWA JALAPUR, P.O. SAROORPUR

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY SUMIT GARG

.....PETITIONER NO. 20

AKSHITA COLLEGE OF HIGHER EDUCATION

VILL. ETMADNAGAR ALIPUR,

DISTT. MEERUT, UTTAR PRADESH

THROUGH ITS SECRETARY SUMIT GARG

....PETITIONER NO. 21

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION

CORPORATE OFFICE AT: HANS BHAWAN, WING-II

BAHADUR SHAH ZAFAR MARG,

NEW DELHI 110001

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



+ **W.P.(C) 2427/2021 & CM APPL 7068/2021**

**UTTAR PRADESH SWAVITTAPOSHIT
MAHAVIDYALAYA ASSOCIATION, 3,
SHIVPURI, BALKESHWAR ROAD,
DISTRICT-AGRA, UTTAR PRADESHPETITIONER**

Versus

**NATIONAL COUNCIL FOR TEACHER
EDUCATION, G-7, SECTOR - 10, DWARKA,
NEW DELHI - 110075 THROUGH ITS
MEMBER SECRETARYRESPONDENT NO. 1**

**NORTHERN REGIONAL COMMITTEE
NATIONAL COUNCIL FOR TEACHER
EDUCATION, G-7, SECTOR - 10, DWARKA,
NEW DELHI - 110075 THROUGH ITS
REGIONAL DIRECTOR
.....RESPONDENT NO. 2**

+ **W.P.(C) 2938/2021 & CM APPL 8857/2021**

**BHAGWATI COLLEGE OF MANAGEMENT AND
TECHNOLOGY
THROUGH BALWANT CHARITABLE SOCIETY [REGD]
BALWANT NAGAR, JALL CHUNGI,
NEAR VICTORIA PARK, MEERUT,
UTTAR PRADESH
THROUGH ITS SECRETARY SH VIPIN KUMAR
.... PETITIONER**

VERSUS

**NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
THROUGH ITS CHAIRMANRESPONDENT 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

+ **W.P.(C) 3350/2021 & CM APPL 10213/2021**

BABA MUNGIPA VIDYAPEETH EDUCATION COLLEGE
THROUGH BABA MUNGIPA EDUCATION & WELFARE
SOCIETY [REGD]
VPO BUSHAN, TOSHAM, BHIWANI
HARYANA
THROUGH ITS SECRETARY SH NARESH KUMAR JANGRA
.... PETITIONER

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
THROUGH ITS CHAIRMANRESPONDENT 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

+ **W.P.(C) 7161/2021 & CM APPL 22622/2021**

M.R. COLLEGE OF EDUCATION
THROUGH MAA BHIMESHWARI DEVI COLLEGE OF
EDUCATION SOCIETY [REGD]

VPO HASSANPUR, JHAJJAR
HARYANA
THROUGH ITS SECRETARY SH SOMBIR KODAN
.... PETITIONER

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
THROUGH ITS CHAIRMANRESPONDENT 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

+ **W.P.(C) 7703/2021 & CM APPL 24032/2021**

**BAGHPAT INSTITUTE OF EDUCATION &
TECHNOLOGY**
THROUGH TEERTHANKAR MAHAVEER MINORITY
EDUCATIONAL TRUST [REGD]
VPO PILANA, BAGHPAT, UTTAR PRADESH
THROUGH ITS SECRETARY SH SUSHIL KUMAR
....PETITIONER

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
THROUGH ITS CHAIRMANRESPONDENT 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

+ **W.P.(C) 8096/2021 & CM APPL 25177/2021**

M.D. COLLEGE OF EDUCATION
THROUGH BAL VIKAS SHIKSHA SAMITI [REGD]
SARAI AURANGABAD, BAHADURGARH
HARYANA
THROUGH ITS PRESIDENT SH PARVEEN CHHILLAR

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
G- 7, SECTOR-10
DWARKA, NEW DELHI-110087
THROUGH ITS CHAIRMANRESPONDENT 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

+ **W.P.(C) 8098/2021 & CM APPL 25180/2021**

LT MAHIPAT SINGH COLLEGE OF EDUCATION
THROUGH LT MAHIPAT MEMORIAL SHIKSHA SAMITI
[REGD]
SARAI AURANGABAD, BAHADURGARH HARYANA
THROUGH ITS PRESIDENT SH RAKESH SINGH
..... PETITIONER

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION

CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
THROUGH ITS CHAIRMANRESPONDENT 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

+ **W.P.(C) 8716/2021 & CM APPL 27156/2021**

JANHIT INSTITUTE OF EDUCATION & INFORMATION
THROUGH JANHIT INSTITUTE OF EDUCATION &
INFORMATION [REGD]
38-B, KNOWLEDGE PARK, PHASE-I, GREATER NOIDA,
UTTAR PRADESH
THROUGH ITS SECRETARY SH NARENDRA PAL SINGH
.... PETITIONER

Versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
CORPORATE OFFICE AT: HANS BHAWAN, WING-II
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110001
THROUGH ITS CHAIRMANRESPONDENT 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

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. In this batch of writ petitions, the decision taken by Western Regional Committee (in short 'WRC') and Northern Regional Committee (in short 'NRC') are under challenge.
2. The WRC's decision is taken in its 316th meeting held on 27.08.2020 to 28.08.2020 and on 04.09.2020.
3. The WRC in consideration of cases, where revised recognition orders were issued to the institutions for B.Ed, B.P.Ed and M.Ed, after promulgations of National Council For Teacher Education (Recognition Norms & Procedure) Regulations, 2014 (in short 'Regulations, 2014') but the institutions did not submit compliance as on that date to the conditions mentioned/stipulated in the revised recognition order, took a decision to issue Show Cause Notice (in short 'SCN') under Section 17 of the National Council For Teacher Education Act, 1993 (in short 'Act of 1993') to all such institutions of Rajasthan.
4. The NRC's decisions are taken in 325th meeting held on 08.01.2021 to 09.01.2021.
5. The petitioners are aggrieved by two decisions taken by NRC in the said meeting. One is with respect to 1469 institutions wherein it was decided to issue the SCN under Section 17 of Act of 1993, on the ground that those institutions were running their courses from the Academic session 2015-2016 without fulfilling the requirements of LOI/other mandatory obligations as per Regulations of 2014. Another decision was with respect to 362 institutions wherein a decision was taken to issue

notice under Section 17 of the Act of 1993 on account of non-submission of required affidavit, stating that institutions would comply with the conditions prescribed under Regulations, 2014.

6. In some of the petitions, individual SCNs are under challenge which were issued by NRC in its 336th and 337th meeting.

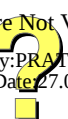
7. In all cases, the submissions made by learned counsel appearing on behalf of the petitioners is that the concerned Regional Committees (in short 'RC') cannot unilaterally invoke the provisions of Section 17 of the Act of 1993 without first recording the satisfaction that a recognised institution has contravened any of the provisions of the Act, Rules, Regulations or the Orders made or issued there under or any condition subject to which recognition under sub Section 3 of Section 14 of the Act of 1993 or permission under sub Section 3 of Section 15 was granted. They, therefore, state that unless the concerned RCs record specific satisfaction with respect to each of the institutions, invocation of the provisions of Section 17 is impermissible.

8. Learned counsel appearing on behalf of the NCTE opposed the submissions and they jointly state that if the decision taken by the respective RCs are carefully perused, the same would indicate that there is a due application of mind. They explained that if the decision of 325th meeting of the NRC dated 08.01.2021 to 09.01.2021 is perused, the same would clearly indicate that a list of 362 institutions, to whom revised recognition orders were not issued due to non-submission of required affidavit stating that the institutions will be complying with the conditions prescribed under Regulations, 2014 was considered and in-depth scrutiny has been conducted by NRC. According to them, once a

finding has been recorded that 362 institutions have not given affidavit undertaking to comply with the Regulations, 2014 then, there is no necessity to issue individual request letter to all the institutions.

9. In any case, according to the submissions of NCTE counsel, if the proviso of Section 17 of the Act of 1993 is perused, the same takes care of all submissions raised by the institutions. Learned counsel appearing on behalf of the respondent-NCTE explains that in no case, without considering the reply submitted by the institutions, the RC would take any final decision. Once the SCN has been given, there is no reason for the institution to raise any grievance at this stage, unless the same is taken to its logical end and a final decision is taken. She, therefore, states that these petitions are premature and if the petitioners comply with the requirements as applicable to them, they should have no grievance for approaching this court. It is also argued that for the purposes of issuance of SCN, the RCs are not required to record the satisfaction as the same is required to withdraw the recognition and that stage has not yet reached. Learned counsel appearing on behalf of the respondents jointly explain that if the scheme under Section 17 of the Act of 1993 is considered in the right perspective, the same would indicate that on the basis of any information, by way of representation received from any person or on its own motion, if the RC finds that there is necessity to proceed for withdrawal of recognition, there is no bar to issue the notice as per the mandate of the proviso of Section 17 of the Act of 1993.

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



11. The scope of Section 17 of the Act of 1993 needs to be considered in the instant cases and, therefore, Section 17 of the Act of 1993 is reproduced as under:-

"17. Contravention of provisions of the Act and consequences thereof.—

(1) Where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognised institution has contravened any of the provisions of this Act, or the rules, regulations orders made or issued there under, or any condition subject to which recognition under sub-section (3) of section 14 or permission under sub-section (3) of section 15 was granted, it may withdraw recognition of such recognised institution, for reasons to be recorded in writing: Provided that no such order against the recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised institution: Provided further that the order withdrawing or refusing recognition passed by the Regional Committee shall come into force only with effect from the end of the academic session next following the date of communication of such order.

(2) A copy of every order passed by the Regional Committee under sub-section (1),—

(a) shall be communicated to the recognised institution concerned and a copy thereof shall also be forwarded simultaneously to the University or the examining body to which such institution was affiliated for cancelling affiliation; and

(b) shall be published in the Official Gazette for general information.

(3) Once the recognition of a recognised institution is withdrawn under sub-section (1), such institution shall discontinue the course or training in teacher education, and the concerned University or the examining body shall cancel affiliation of the institution in accordance with the order passed under sub-section (1), with effect from the end of the academic session next following the date of communication of the said order.

(4) If an institution offers any course or training in teacher education after the coming into force of the order withdrawing recognition under sub-section (1), or where an institution offering a course or training in teacher education immediately before the appointed day fails or neglects to obtain recognition or permission under this Act, the qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central

Government, any State Government or University, or in any school, college or other educational body aided by the Central Government or any State Government."

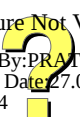
12. A bare reading of Section 17 of the Act of 1993 clearly reveals that if any RC, on its own motion or on any representation received from any person, is satisfied that a recognised institution has contravened any of the provisions of the Act, Rules, Regulations or the Orders made or issued there under or any condition subject to which recognition under sub-Section 3 of Section 14 of the Act or permission under Sub-Section 3 of Section 15 of the Act was granted, it may withdraw the recognition of such recognised institution for reasons to be recorded in writing. The proviso of Section 17 of the Act of 1993 would indicate that no such order against any recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised institution. The second proviso of Section 17 of the Act provides that the order withdrawing or refusing recognition passed by the RC shall come into force only with effect from the end of the academic session, subsequent to following the date of communication of such order.

13. If provision of Sub Section 3 of Section 14 of the Act of 1993 and sub- Section 3 of Section 15 of the Act of 1993 are seen, the same would also indicate that the RC only grants recognition once it records the satisfaction that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by the Regulations.

14. The scheme of the Act thus clearly reveals that for obtaining recognition of the institutions to offer course of training in teacher education or permission for a new course or training, there are various statutory requirements which are to be complied with by the concerned institution such as adequate financial resources, accommodation, library, laboratory, qualified staff and other requirements in accordance with the applicable Regulations. It is therefore, seen that there is no provision under the Act of 1993 to grant any recognition or permission to an institution which is not fully equipped or fulfilling the necessary requirements in accordance with the provisions of the Act or the Regulations made there in.

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.

18. If the decisions taken by the RCs in the instant case are perused, the same would indicate that with respect to 362 institutions, a decision had been taken that these institutions did not submit the affidavit undertaking the compliance of Regulations, 2014. With respect to 1469 institutions, a decision was taken on the basis of the findings recorded with respect to one D.S.M. Academy that the said institution (Jyotiba Phule Nagar, Uttar Pradesh) did not fulfill the conditions of LOI/other mandatory requirements as per 2015-2016 order.

19. Decision taken by NRC with respect to 362 (325th meeting) institutions is reproduced as under:-

"107. Consideration of the matter of Revised Recognition Orders (RRO)

Regional Director placed before the Committee, a list of 362 such institutions to whom RRO has not been issued till today due to not submission of required affidavit stating that institution will be comply with the conditions prescribed under Regulations, 2014, for consideration and decision of Committee.

The Committee discussed the matter in depth and decided to issue Show Cause Notice under Section 17 to institutions as per List put up before Committee for not making compliance to Regulations, 2014.

Annexure- A= 238

Annexure- B=40

Annexure- C=43

Annexure- D=08

Annexure- E=04

Annexure- F23

Annexure- G01

Annexure- H=03

'Total =362"

20. The decision relating to 1469 institutions taken by NRC in its 325th meeting dated 08.01.2021 to 09.01.2021 with regard to DSM Academy, Plot No.4, Khasara No. 4, Street Number- Dhanora RD, Village/Town- Afzalpur Loot, Post Office- Kaurala, Tehsil/Taluka- Dhanura, Town/City- Gajraula, State- UP, District- Jyotiba Phule Nagar (UP), Pin Code- 244231 for B.Ed course is also reproduced as under :-

"The original file of the Institution along with other related documents NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, were carefully considered by NRC and the Committee made following observations:

1. In compliance the decision of the 318th meeting, the Committee observed that no documents in compliance of LOI are available in the file of the institution.

Hence, Show Cause Notice under section 17 of the NCTE Act, 1993 be issued to the institution on following grounds.

The institution is required to submit to NRC.

Original Photocopy of documents duly certified by the management of the institution submitted to NRC in compliance of LOI.

(a) Copies of Fixed Deposits Receipt of Endowment Fund & Reserve Fund in the

joint account of RD, NRC, NCTE & Society authority alongwith Bank Form 'A' verified by the manager of the bank, submitted to the NRC in compliance of LOI.

(b) Downloaded copies of the website of the institution with

hyperlinks of the same as per provisions of 7(14) of the NCTE Regulations, 2014, submitted to NRC in compliance of LOI.

(c) List of faculty duly approved by the affiliating body/university alongwith related documents, submitted to NRC in compliance of LOI.

2. The Institution is required to submit proof/evidence to prove that it is a composite institution as per clause 2(b) of NCTE Regulations, 2014.

3. Proof regarding submission of compliance of LOI in NRC."

21. The decision of WRC in its 316th meeting held on 27.08.2022 with regard to consideration of cases wherein revised recognition orders were issued to the institutions for B.Ed, B.P.Ed and M.Ed course in the state of Rajasthan, reads as under:-

"The WRC considered the entire issue in detail and noted that the State of Rajasthan has come under the purview of WRC vide Gazette Notification dated 28th January 2020.

The Revised recognition orders were issued to the institutions for B.Ed, B.P.Ed and M.Ed course(s) by NRC after promulgations of NCTE regulations 2014 but not submitted compliance as on date to the conditions mentioned/stipulated in the Revised Recognition order issued by NRC-NCTE.

The WRC decided that Show Cause Notice u/s 17 of the NCTE Act, 1993 be issued to all such Institutions of Rajasthan which were issued Revised Recognition orders with a direction to submit compliance to the conditions mentioned/stipulated in the Revised Recognition order issued by NRC-NCTE."

22. So far as the 316th meeting and its decision is concerned, the same had been taken on the basis of few observations recorded in the case of institutions situated in the State of Rajasthan where revised recognition orders were issued to the institutions for B.Ed, B.P.Ed. and M.Ed courses. What is noted therein is that the institutions concerned did not submit their compliance as on that date with respect to the conditions mentioned in the revised recognition orders issued by NRC/NCTE.



23. With respect to 1469 institutions, i.e. the decision taken in 325th meeting by NRC on 08.01.2021 to 09.01.2021 is concerned, it is seen that the NRC, while scrutinising the file with respect to D.S.M. Academy situated at Jyotiba Phule Nagar, Uttar Pradesh, observed that there are number of institutions which were granted recognition for different courses in academic session 2015-2016 without fulfilling the requirement of LOI/other mandatory obligations required to be completed as per Regulations, 2014 by various orders. It is for that reason, the concerned RC decided to issue SCN under Section 17 of the Act of 1993 to all 1469 institutions on the ground mentioned with respect to D.S.M. Academy.

24. It is also seen that decisions in WRC's 316th meeting and NRC's 325th meeting) have been taken without referring to individual facts and specific violations of the institutions concerned. This court is conscious of the fact that the similar deficiency may exist in more than one institution, therefore, the recording of the same reason for all the institutions may not be required. However, the aforesaid fact must be reflected in the decision so taken, which can only be done once an inquisitorial exercise is done requiring the institution to furnish relevant information. No inference can be drawn that the institutions have not complied with the terms of recognition orders.

25. In some of the petitions, interim orders are operating for more than 2 years and at this stage, this court finds it appropriate to direct the treating of all decisions taken by the concerned RC in its 316th and 325th meeting to be the communications calling upon the institutions to submit their responses rather than a SCN. If the RCs after perusal of the reply so

submitted by the concerned institutions finds that the individual institution or all institutions are in violation of any of the provisions of the Act, Regulations or grant of recognition order, the NCTE would be free to take appropriate decision in accordance with Section 17 of the Act of 1993. However, if such a decision is proposed to be taken, a fresh SCN shall be issued to each 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.

27. The institutions concerned are directed to submit their reply within 30 days from today.

28. The petitions being W.P.(C) 8635/2020, 8636/2020, 2299/2021, 2366/2021, 2409/2021, 3350/2021 and 2938/2021 are disposed of in the aforesaid terms.

29. The decision with respect to 336th meeting held on 18.06.2021 and 21.06.2021 with regard to M.D. College of Education, Mahavir Park, Village- Sarai Aurangabad, Tehsil- Bahadurgarh, District- Jhajjar, Haryana for B.Ed & B.Ed. (Addl) course is reproduced as under:-

"The original file of the Institution along with other related documents NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, were carefully considered by NRC and the Committee made following observations:

- 1. Certified registered land documents issued by the Registering Authority or concerned authority has not been submitted.*
- 2. Blue print of approved Building plan signed 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 measurements of the Multi Purpose Hall as well other infrastructural facilities such as class rooms etc. has not been submitted.

3. *Land Use Certificate issued by the Competent Government Authority to use the land for educational purpose has not been submitted.*
4. *Non- all encumbrances has not been submitted.*
5. *Certified Copy of site plan with demarcated land area for running different courses has not been submitted.*
6. *Building safety certificate from the Competent Government Authority has not been submitted.*
7. *Fire safety certificate issued by the Competent Government Authority has not been submitted.*
8. *Certificate to the effect that the building is differently abled friendly from the Competent Government Authority has not been submitted.*
9. *Building Completion Certificate signed by the Competent Government Authority has not been submitted.*
10. *The latest/current faculty list approved & signed each page by concerned affiliating body in original with the details of their teaching submit, date of birth, date of selection, date of joining, academic qualifications, teaching experience, NET/Ph.D (NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorised management representative not submitted. And, notarised original affidavit of Rs. 100/- on non-judicial stamp paper by the management and Rs. 10/- non-judicial stamp paper by each selected/appointed faculty in the NCTE prescribed proforma are required to be submitted.*
11. *Details of salary disbursed to the faculty along with six months Bank statement and account number of each faculty member has not been submitted.*
12. *Copies of valid Fixed Deposit Receipts Nationalised /Scheduled Bank towards Endowment & Reserve Fund in the joint operation mode with RD, NRC, NCTE& Management alongwith duly field/filled Bank Form 'A' in the original, verified/signed by the Manager of the Bank as per NCTE Regulations, 2014 not been submitted*
13. *Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provisions of 7(14) of the NCTE Regulations, 2014 has not been submitted.*
14. *The Institution is required to submit present status of affiliation.*
15. *The institution is required to submit the present status of composite institution.*

Hence, First Show cause notice under section 17 of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of the notice."

30. The decision with respect to 337th meeting held on 08.07.2021 to 09.07.2021 with regard to Baghpat Institute of Education and Technology, Plot/Khasra No.- 412, Street No.- 0, Village- Plan, Post Office- Plan, Tehsil/Taluka- Baghpat, Town/City- Baghpat, District- Bagpat- 250616, Uttar Pradesh for B.Ed course is reproduced as under:-

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"The original file of the Institution along with other related documents NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time, were carefully considered by NRC and the Committee made following observations:

1. *An opportunity was given to the institution for submission of the reply of Revised Recognition Order as well as Show Cause Notice by published a Public Notice dated 30.03.2021. Reply has not been received from the institution.*
2. *Certified registered land documents issued by the Registering Authority or concerned authority has not been submitted.
Blue print of approved Building plan signed 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 measurements of the Multi Purpose Hall as well other infrastructural facilities such as class rooms etc. has not been submitted.*
4. *Land Use Certificate issued by the Competent Government Authority to use the land for educational purpose has not been submitted.*
5. *Non-Encumbrance Certificate issued by the Competent Government Authority indicating that the land is free from all encumbrances has not been submitted.*
6. *Certified Copy of site plan with demarcated land area for running different courses has not been submitted.*
7. *Building safety certificate from the Competent Government Authority has not been submitted.*
8. *Fire safety certificate issued by the Competent Government Authority has not been submitted.*
9. *Certificate to the effect that the building is differently abled friendly from the Competent Government Authority has not been submitted.*
10. *Building Completion Certificate signed by the Competent Government Authority has not been submitted.*
11. *The latest/current faculty lost approved & signed each page by concerned affiliating body in original with the details of their teaching submit, date of birth, date of selection, date of joining, academic qualifications, teaching experience, NET/Ph.D (NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorised management representative not submitted. And, notarised*



original affidavit of Rs. 100/- on non-judicial stamp paper by the management and Rs. 10/- non-judicial stamp paper by each selected/appointed faculty in the NCTE prescribed proforma are required to be submitted.

12. *Details of salary disbursed to the faculty along with six months Bank statement and account number of each faculty member has not been submitted.*
13. *Copies of valid Fixed Deposit Receipts Nationalised /Scheduled Bank towards Endowment & Reserve Fund in the joint operation mode with RD, NRC, NCTE & Management alongwith duly field/filled Bank Form 'A' in the original, verified/signed by the Manager of the Bank as per NCTE Regulations, 2014 has not been submitted.*
14. *Downloaded copies of documents from the website of the institution with hyperlinks of the same as per provisions of 7(14) of the NCTE Regulations, 2014 has not been submitted.*
15. *The Institution is required to submit present status of affiliation.*
16. *The institution is required to submit the present status of composite institution.*

Hence, First Show cause notice under section 17 of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days."

31. As many as 15 deficiencies were noted with respect to M.D. College of Education in 336th meeting of NRC. Accordingly, SCN was decided to be issued to submit the reply with 30 days from the date of issuance of the notice.

32. Almost similar approach has been adopted in 337th meeting held on 08.01.2021 to 09.01.2021 by NRC with respect to 2 institutions and while observing, as many as 16 deficiencies, the SCN was decided to be issued to the institutions therein. A perusal of the decision taken by the NRC clearly reveals that the individual deficiencies have been noted with respect to these institutions.

33. In all these cases being W.P.(C) 7161/2021, W.P.(C) 8096/2021, W.P.(C) 8098/2021, W.P.(C) 7703/2021 and W.P.(C) 8716/2021 there have been various interim orders passed by this court, directing not to

take any precipitative action. It is an admitted position that after issuance of SCN, the institutions concerned are in operation and no action has been taken by the concerned RC against any of the institutions.

34. Having perused the nature of the exercise which has been conducted by the concerned RC and the reasons recorded for issuance of the SCN, it is found that the concerned institutions are under an obligation to submit their reply to such SCN(s) issued to them. There is no reason to interfere with the SCN(s), depending upon the reply to be submitted by the concerned institutions, the NRC will consider the same in accordance with law and pass appropriate orders.

35. With the aforesaid directions, the petitions mentioned in paragraph No.33 along with pending application(s) stand disposed of.

PURUSHAINDR KUMAR KAURAV, J

MARCH 27, 2023/MJ