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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8855/2019 & CM APPL. 36546/2019
VIDHYASHREE SARTHAK SHIKSHAN SANSTHAN AND ANR.

.....Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti
Kumari and Mr. Mrinal Kishor, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

.....Respondents

Through: Mr. Akhilesh Kr. Srivastava, SC for
NCTE with Mr. Robin Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **02.05.2025**

1. The present petition has been filed under Article 226 of the Constitution of India seeking following relief:

a) a writ of certiorari or any other suitable writ or order quashing and setting aside the impugned closure order dated 01.06.2018 issued by the WRC of NCTE whereby WRC has closed the petitioner institution;

b) a writ of mandamus or any other suitable writ, order or direction directing the respondents to restore the recognition of petitioner institution for conducting D.El.Ed. course with an annual intake of one basic unit (50 seats);

2. The grievance of the petitioners in the present petition is that impugned closure order dated 01.06.2018 came to be passed by the respondent no.1/NCTE on the basis of some closure request made by some unsocial elements *vide* letter dated 16.03.2018, which is alleged to be forged and fabricated and did not originate from petitioners' society/institution.

3. Mr. Amitesh Kumar, the learned counsel for the petitioners submits



that in respect of the alleged forged letter dated 16.03.2018 containing a request for closure of college, a police complaint was also made by the petitioners on 12.07.2019.

4. Inviting attention of the Court to impugned closure order dated 01.06.2018, Mr. Kumar contends that said order is based on the decision taken by the WRC in its 292nd meeting held on 15th to 17th May, 2018. A perusal of minutes of 292nd meeting of WRC shows that WRC under Agenda item no. 292.1 confirmed minutes of 291st Meeting of WRC, which reads as under:

“Agenda 292.1: Confirmation of the minutes of 291st Meeting of WRC

The minutes of the 291st meeting were confirmed by the committee, except in the following cases:

(i) The name of the institution at Sr. No. 70 may be read as “Shakuntala Devi D.Ed. College, 84-85, Vaikunthdham Colony, near Anand Bazar, Palasia, Indore, Madhya Pradesh (Code No. APW02621/222153)”

5. He submits that in so far as 291st meeting of WRC held on 26th and 27th April, 2018 is concerned, at serial no. 70 there was no matter pertaining to petitioner college. In fact, at serial no. 70, name of another college i.e. ‘Nusrol College of Vocational Education & Training, Gwalior, Madhya Pradesh’ is mentioned and the following decision is recorded:

S. No.	Code No.	Name of the Institution	Course	Decision of WRC
70	222159	Nusrol College of Vocational Education & Training, Gwalior,	D.El.Ed.	The case file was seen. Institution vide letter dated 16.03.2018 has



		Madhya Pradesh		<i>requested for closure of its D.El.Ed. course. Copy of the resolution submitted. Hence, closure is permitted and FDRs be returned, if any.</i>
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6. Mr. Kumar thus, contends that impugned order has been passed without application of mind.

7. He further refers to the Clause 7(19) of National Council for Teacher Education (Recognition Norms and Procedure) Regulation, 2014 [herein referred to as ‘Regulations’] to contend that the application for closure is to be processed by the Regional Committee in the manner prescribed for the processing of applications for new programme or additional programme or additional intake. Clause 7(19) of the Regulations reads thus:

“7(19) The Regional Committee shall process the application for closure in the manner prescribed for the processing of applications for new programmes or additional programmes or additional intake.”

8. Elaborating on his submission, he further refers to Clause 5 and 7 of the said regulations which prescribes elaborate procedure for processing the application for recognition. The relevant part of the extract read thus:

“5. Manner of making application and time limit
5(3) The application shall be submitted online electronically alongwith the processing fee and scanned copies of required documents such as no objection certificate issued by the concerned affiliating body. While submitting the application, it has to be ensured that the application is duly signed by the applicant on every page, including digital signature at appropriate place at the end of the application.



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7. Processing of applications:

7.4 A written communication alongwith a copy of the application form submitted by the institution shall be sent by the office of Regional Committee to the State Government or the Union territory administration and the affiliating body concerned within thirty days from the receipt of application, in chronological order of the receipt of the original application in the Regional Committee.

7.5 On receipt of the communication, **the State Government or the Union territory administration concerned shall furnish its recommendations or comments to the Regional Committee concerned** within 45 days from the date of issue of the letter to the State Government or Union Territory, as the case may be. In case, the State Government or Union Territory Administration is not in favour of recognition, it shall provide detailed reasons or grounds thereof with necessary statistics, which shall be taken into consideration by the Regional Committee concerned while disposing of the application.

7.6 If the recommendation of the State Government is not received within the aforesaid period, the Regional Committee concerned shall send a reminder to the State Government providing further time of another thirty days to furnish their comments on the proposal. In case no reply is received, a second reminder shall be given for furnishing recommendation within fifteen days from the issue of such reminder. In case no reply is received from the State Government within aforesaid period the Regional Committee shall process and decide the case on merits and placing the application before the Regional Committee shall not be deferred on account of non-receipt of comments or recommendation of the State Government.”

(emphasis supplied)

9. Mr. Kumar contends that for processing an application for closure, NOC of concerned Affiliation Body is required. That apart, the recommendation of the State Government and Affiliating Body is also mandatory. He thus, contends that for processing the closure application, if



any, originating from the present petitioners, the aforesaid procedure ought to have been followed by the respondents. He places reliance on the decision of a Coordinate Bench in ***Maharishi Dayanand Educational Society & Anr. v.NCTE & Anr.***¹

10. He further contends that since petitioners' college is lying closed since the year 2018, in the given circumstances the appropriate procedure to be followed would be to order for fresh inspection of the petitioners' institute in terms of Section 13 of the NCTE Act and the petitioners' institute can be called upon to make up the deficiencies which may be pointed out in the inspection report. He submits that this course was resorted to by the Hon'ble Supreme Court in ***National Council for Teacher Education & Anr., vs. Vaishnav Institute of Technology and Management, (2012) 5 SCC 139.***

11. He, therefore, urges the Court that the present petition may be disposed of directing the respondents to carry out fresh inspection and point out the deficiencies, if any, which on being pointed out, will be rectified by the present petitioners.

12. *Per contra*, Mr. Akhilesh Kr. Srivastava, the learned Standing Counsel for the NCTE submits that inspection in terms of Section 13 of NCTE Act can be ordered only for ascertaining whether the recognised institute are functioning in accordance with provisions of the Act, whereas the present institution is admittedly lying closed since the year 2018.

13. He submits that closure is premised on the resolution passed by the petitioners' society on 06.03.2018 and thereafter, the application for closure was filed on 16.03.2018.

¹ Order dated 17.01.2020 [W.P. (C) 13257/2019]



14. He further submits that inadvertent error which had occurred in the Minutes of 291st WRC Meeting held on 26th and 27th April 2017, whereby against entry no 70, the name of the college was inadvertently mentioned as '*Nusrol College of Vocational Education & Training, Gwalior, Madhya Pradesh*', was corrected in Minutes of 292nd Meeting held on 15th to 17th May 2018, therefore, the contention of the learned counsel for the petitioners that there is non-application of mind is not tenable.

15. He further invites attention of the Court to the letter dated 11.04.2019 written by the Secondary Education Board, Madhya Pradesh, Bhopal, to contend that even affiliation granted to the petitioners was also terminated by the Affiliating Body in terms of the letter to the NCTE.

16. He further submits that the closure order was passed on 01.06.2018 whereas the police complaint was made by the petitioners only on 12.07.2019, i.e. much after the closure order was passed. He, therefore, contends that the police complaint is an afterthought to create a ground for the present petition.

17. Having heard the learned counsel for the parties, the short question which needs to be decided is whether the order of closure could have been passed by the WRC on the basis of letter dated 16.03.2018, which is being alleged to be forged and fabricated.

18. At the outset, it may be noted that the closure or withdrawal of recognition has serious civil consequences. Therefore, the procedure in terms of the Regulations ought to have been strictly adhered to.

19. Clause 7 (19) of the Regulations provide that the Regional Committee shall process the application for closure in the manner prescribed for the processing of applications of new programs or additional programs or



additional intake.

20. Clause 5 of the Regulations provide that the application for recognition of new colleges or additional intake has to be submitted alongwith the processing fee accompanied with No Objection Certificate issued by the concerned affiliating body.

21. Besides that, the recommendation of the State Government is also mandatory in terms of clause 7(5) of the Regulations.

22. It appears from the impugned order that the closure application was neither accompanied with NOC from the concerned affiliating body nor there is any recommendation of the State Government.

23. Therefore, the WRC could not order closure of the petitioner college merely because some letter requesting for closure had been received. The WRC was required to adhere to the mandate of the Regulations framed under the NCTE Act.

24. At this stage, reference could also be profitably made to the decision of coordinate bench in ***Maharishi Dayanand*** (*supra*) wherein, a request for closure had been made by a disgruntled Vice-President of the petitioner therein, which led to the passing of order of closure that was assailed in the said case. In this factual backdrop the Court observed as under:

“7. Admittedly, the concerned Regional Committee i.e. the Northern Regional Committee (in short “NRC”) acted on the said request made by the Vice-President of the petitioner no. 1 society in its 310th meeting, which was held between 20.11.2019 to 22.11.2019, and decided to withdraw the recognition granted to petitioner no. 2 institute for conducting D.Ed course with an annual intake of 2 basic units (100 students).

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24. The NRC’s cannot withdraw the recognition merely because



one person and in this case, the Vice-President of the petitioner no. 1 society had approached them.

25. The NRC's are required to adhere to the mandate of the NCTE Act and the rules and regulations framed thereunder.

26. The NRC, ordinarily, should pass such orders, only if, deficiencies are found in the concerned institute/college.

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28. Thus, for the foregoing reasons, I am inclined to set aside the impugned decision. It is ordered accordingly."

25. In view of the above, the petition is allowed and the impugned closure order dated 01.06.2018 is set aside. It is directed that respondent/WRC will re-examine the matter afresh and pass appropriate order *apropos* continuation of recognition of petitioner institution for conducting D.El.Ed. course.

26. The respondent/WRC is at liberty to ask for the resolution of the general body of the petitioner no.1 society to put at rest the controversy with regard to the genuineness of letter requesting closure.

27. It is made clear that till the decision is taken by the respondent/WRC as regards continuation of recognition, the petitioner shall not take any fresh admissions.

28. The petition alongwith pending application is disposed of.

29. Order *dasti*.

VIKAS MAHAJAN, J

MAY 2, 2025/dss