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

+ W.P.(C) 11998/2025 & CM No.49014/2025

SMT RUKAMA DEVI MAHILA SHIKSHAN PRASHIKSHAN
MAHAVIDYALAYA & ANR.Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti
Kumari and Mr. Pankaj Kumar, Advocates.
versus

NATIONAL COUNCIL FOR TEACHER EDUCATION
& ANR.Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal and Ms. Aishwarya Malhotra, Advocates

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **11.08.2025**

1. The present petition has been filed by petitioner seeking following reliefs:

“a) issue a writ of mandamus or any other suitable writ, order or direction staying the operation of withdrawal order dated 10.07.2025 of Western Regional Committee (WRC) during pendency and till final decision of statutory appeal submitted by petitioners before NCTE; and/or

b) issue a writ of mandamus or any other suitable writ, order or direction to respondents to display the name of petitioner institution in the list/category of recognised institutions for conducting B.Ed. course with intake of 100 seats (two basic units) on their website and to inform the Affiliating University and Department of Higher Education, Government of Rajasthan regarding recognized status of petitioner institution enabling inclusion and participation in the counselling & admission process for B.Ed. course with intake of 100 seats (two basic units) for the present academic year 2025-26”



2. Mr. Amitesh Kumar, learned counsel appearing on behalf of petitioner submits that WRC without following mandatory procedure prescribed under Section 13 of NCTE Act, decided to issue show cause notice in its 404th meeting held on 21st-22nd May, 2024. The petitioner thereafter submitted its reply dated 02.07.2024 but WRC again issued final show cause notice dated 20.12.2024 to the petitioner, to which the petitioner submitted its reply dated 22.01.2025.

3. He submits that WRC in its 425th meeting held on 29th-30th May, 2025 decided to withdraw recognition of petitioner institute under Section 17 NCTE Act, which was followed by impugned order dated 10.07.2025 withdrawing recognition of the petitioner institute.

4. He submits that on account of order of withdrawal of recognition, the petitioner has been debarred from participating in further counselling, therefore, the petitioner was constrained to prefer an appeal before the Appellate Committee under Section 18 of the NCTE Act.

5. He submits that the Appellate Committee has not granted any interim relief to the petitioner since there is no power to that effect under the Rules. He invites attention of the Court to various orders passed by this Court whereby during the pendency of an appeal before the Appellate Committee, this Court had directed for staying the operation of the order of withdrawal of recognition.

6. One such decision has been passed by the Coordinate Bench of this Court on 10.05.2019 in W.P.(C) 5064/2019 titled as ***Tiny Todd School and College Education Society and Anr. vs. National Council for Teacher Education and Anr.*** Relevant Para of said order, reads thus:



“15. There is already a precedent, in a judgment dated 14th May, 2018 passed by a Coordinate Bench of this Court in W.P.(C) 4815/2018 (Aryan College of Education v. NCTE), to the effect that, where the petitioner appeals before the Appellate committee, till a final decision is taken on the appeal, the operation of the order of withdrawal of recognition, remains stayed. In my view, this is a wholesome dispensation, especially in the light of para 28 of the judgment of the Supreme Court in **Vaishnav Institute of Technology (supra)**, which clearly notes the drastic nature of an order of derecognition of a functioning institution and the deleterious consequences that such action would have, on the dislocated students, teachers and staff. As such, I do not see that there can be any legitimate objection, to allowing the institution to function till the appeal is decided. I may note, in this context that, as was the case with the petitioner in **Aryan College of Education (supra)** the petitioner in this writ petition, too, has been functioning from 2007, i.e. for over 12 years as on date.

16. In view thereof, I am of the opinion that the interests of justice would be subserved if the writ petition is disposed of, with liberty to the petitioner to file an appeal in terms of Section 18 of the NCTE Act, before the Appellate Committee within a period of one week. All contentions of the parties are left open to be decided by the Appellate Committee in the said appeal. Such appeal, if filed within the above period, would be heard by the Appellate Committee in its next sitting, and would be disposed of within a period of four weeks from the date of hearing.

17. Till the disposal of the appeal by the appellate committee, the petitioner institute shall be allowed to continue to function.

18. The writ petition is disposed of in the above terms with no order as to costs.”

(emphasis supplied)

7. In view of above, issue notice.



8. Mr. Hardik Rupal, learned counsel appearing on behalf of respondent/NCTE accepts notice. He does not dispute the above legal position. However, he contends that the main prayer in petition as well as the interim prayer in application, is same. Therefore, in case the interim relief is granted, it will have the effect of disposing of the writ petition itself.

9. He further contends that the grounds of withdrawal are peculiar to the present case, therefore, the reliance placed by petitioner on the decision of ***Tiny Todd School*** (supra) is misplaced.

10. Insofar as the first submission of Mr. Rupal is concerned, suffice it to observe that in the present petition no interim relief is being granted and petition itself is being disposed of in terms of ***Tiny Todd School and College*** (supra).

11. In regard to the other submission that the grounds taken in the present petition are peculiar to the present case, it is to be noted that in ***Tiny Todd School*** (supra) this Court had observed that once the appeal has been preferred by the institution before the Appellate Committee and the same is pending consideration, there is no legitimate objection to allowing the institution to function till the appeal is decided. Therefore, since the appeal itself is pending before the Appellate Committee, it will not be apposite to appreciate the merit of the grounds on which the petitioner has laid challenge to the order of withdrawal before the Appellate Committee.

12. In view of the above, it is directed that the operation of the impugned order dated 10.07.2025 passed by WRC whereby recognition of petitioners' institution was withdrawn, shall remain stayed during the pendency of petitioners' appeal before the Appellate Committee.

13. Consequently, respondent no.2/WRC is also directed to update its



website reflecting the status of the petitioner as recognized institution.

14. The petition along with pending application is disposed of in the above terms.

VIKAS MAHAJAN, J

AUGUST 11, 2025/jg