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

+ **W.P.(C) 19714/2025**

RAMA KRISHNA INTEGRATED DEGREE COLLEGE

.....Petitioner

Through: Mr. Sanjay Sharawat, Senior
Advocate with Mr. Gaurav Arora, Advocate.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

.....Respondents

Through: Mr. Anuj Kapoor, Mr. Shivom Sethi
and Mr. Nandeesh Nanda, Advocates for
Respondents.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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24.12.2025

CM APPL. 82335/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“(a) quash the decision taken by the Respondent No.2 in its 440th meeting at S. No. 26, whereby, the Respondent No.2 has Refused the application of the Petitioner Institution submitted for transition of its B.A. B.Ed./ B.Sc. B.Ed. course to I.T.E.P., for the academic session 2026-27; without following the mandatory procedure; and

(b) direct the Respondent No.2 to restore, reconsider & decide the aforesaid application of Petitioner Institution, submitted for transition of



its B.A. B.Ed. / B.Sc. B.Ed. course to I.T.E.P., for the session 2026-27; within a reasonable time & in accordance with the provisions made therefor.”

4. Issue notice.
5. Mr. Anuj Kapoor, learned counsel accepts notice for the Respondents.
6. Mr. Sharawat, learned Senior Counsel for the Petitioner assails the decision taken by Respondent No.2 in its 440th meeting held on 10-13.11.2025, whereby application of the Petitioner dated 04.10.2025 for transition of its B.A. B.Ed./B.Sc. B.Ed. course to I.T.E.P. Course has been refused for academic session 2026-27 under Sections 14/15(3)(b) of National Council of Teacher Education Act, 1993 (NCTE Act). It is urged that the impugned decision has been taken without following the procedure laid down in Proviso to sub-Section (3)(b) of Section 14 of NCTE Act, which provides that before passing any order under sub-Clause (b), the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation. Mr. Sharawat submits that at this stage, Petitioner will be satisfied if a direction is issued to the Respondents to issue a show cause notice and give an opportunity to the Petitioner to make a written representation.
7. Learned counsel for the Respondents submits that this writ petition is not maintainable as in fact there is no refusal by the Respondents *albeit* the impugned decision is unhappily worded. It is argued that there is a distinction between ‘rejection’ and ‘refusal’ of an application. Where the application is incomplete and/or requisite documents are not attached, the application is to be rejected summarily under Regulation 7(1) and (2) of National Council of Teacher Education (Recognition Norms and Procedure)



Regulations, 2014 (Regulation 2014), whereas refusal of recognition is on ground of furnishing false information or concealment of facts, which may have a bearing on the decision-making process under Regulation 7(3). The argument is that in the present case, impugned decision taken in 440th meeting indicates that there were deficiencies in the application filed by the Petitioner seeking transition inasmuch as requisite documents enumerated in the minutes of meeting were not uploaded and therefore, there is no 'refusal'. Hence, there was no requirement to grant opportunity for making a written representation as envisaged under Section 14 (3) (b) of NCTE Act before taking the impugned decision.

8. From a plain reading of the impugned decision of WRC taken in 440th meeting held on 10-13.11.2025, it is evident that the decision is predicated on alleged deficiencies *inter alia* pertaining to uploading of certain documents. The refusal decision has been passed invoking Sections 14/15(3)(b) of NCTE Act as also Section 17(4). Once the deficiencies were found by the Respondents and that became the basis to deny transition to I.T.E.P. Course, it cannot be argued by them that no opportunity was required to be granted to the Petitioner to make a written representation and/or remove the alleged shortcomings. There is no gainsaying that any order that visits a person or an entity with civil consequences must pass muster of compliance with principles of natural justice. Perusal of the impugned decision taken in 440th meeting, whereby transition has been refused, does not indicate compliance with Proviso to sub-Section (3)(b) of Section 14 of NCTE Act which mandates that opportunity of making a written representation has to be given before recognition is denied, which would include denial of transition from already running courses. Hence,



there is violation of principles of natural justice and mandatory statutory provision and the impugned decision cannot be sustained.

9. The argument of the Respondents that there is distinction between rejection and refusal and since the present case is not one of refusal and does not fall under Regulation 7(3), no opportunity was required to be given to make a representation *albeit* ingenious, cannot be accepted. Regulation 7 deals with the procedure of processing the applications. Regulation 7(1) provides that in case the application is not complete or requisite documents are not attached with the application, the same shall be treated incomplete and rejected. The circumstances where application shall be summarily rejected are provided in Regulation 7(2)(a) and (b), which are failure to furnish application fee and print out of the applications made online along with land documents, respectively. Regulation 7(3) provides that furnishing any false information or concealment of facts in the application, which may have a bearing on the decision-making process or decision pertaining to grant of recognition, shall result in refusal of recognition. The present case does not fall under Regulation 7(3) but falls under Regulation 7(1). Be that as it may, this distinction under the procedural provisions prescribed under Regulation 7 is irrelevant for the purpose of Section 14(3)(b) of NCTE Act. Proviso to Section 14(3)(b) provides that before passing an order refusing recognition to an institution, the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation. Needless to state that the same parameter will apply, when a recognised institution seeks transition from existing courses to new courses. Sub-Clause (b) applies where the Regional Committee is of the opinion that the institution does not fulfil the requirements laid down in sub-Clause (a),



which lays down the parameters required to be met for grant of recognition and includes adequate financial resources, accommodation, library, qualified staff, laboratory etc. The word ‘refusing’ in sub-Clause (b) cannot be confused with ‘refusal’ in Regulation 7(3). Therefore, the contention that no opportunity of making a representation was required to be given, is wholly misconceived and rejected.

10. At this stage, learned counsel for the Respondents *albeit* conceding that there is no power under NCTE Act or Regulations framed thereunder to summarily reject an application seeking transition or recognition, submits that the source of power is in Clauses 6(iii) and 12 of Public Notice dated 12.09.2025. This argument only deserves to be rejected. No doubt, an executive order or circular can be enforced, however, if the provisions of an executive order or a circular are in the teeth of statutory provisions, they can have no force of law. In the present case, Proviso to sub-Section 3(b) of Section 14 of NCTE Act mandates an opportunity of making a written representation and anything contrary thereto in the Public Notice cannot be sustained.

11. Accordingly, without going into the merits of the case, this writ petition is allowed to a limited extent of setting aside the impugned decision taken in 440th meeting on the ground that no reasonable opportunity was given to the Petitioner to make a written representation. It will be open to the Respondents to issue a show cause notice to the Petitioner pointing out deficiencies/shortcomings and calling upon the Petitioner to make a written representation. On receipt of the show cause notice, Petitioner shall submit its response within two weeks from the date of receipt and thereafter, it will be open to the Respondents to pass a fresh order in accordance with law and



after considering the representation. The order shall be passed within two weeks and communicated to the Petitioner. Needless to state, the Petitioner will be at liberty to take recourse to legal remedies in case it is aggrieved by the order.

12. It is made clear that this Court has not expressed any opinion on the merits of the case.

13. Writ petition is disposed of.

JYOTI SINGH, J

DECEMBER 24, 2025

S.Sharma