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

+ **W.P.(C) 19758/2025 & CM APPL. 82563/2025**

KITHANA COLLEGE OF EDUCATION & ANR.Petitioners

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

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

24.12.2025

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

"i. issue a writ of certiorari or any other suitable writ or order quashing the refusal order dated 25.11.2025 issued by Northern Regional Committee (NRC) of NCTE; and/or

ii. issue a writ of certiorari or any other suitable writ or order quashing the para 12 of public notice dated 12.09.2025 issued by Member Secretary of NCTE; and/or

iii. issue a writ of mandamus or any other suitable writ or order directing Respondents to process application for conversion of existing recognition of B.A.B.Ed/B.Sc.B.Ed to Integrated Teacher Education Programme (ITEP) with consequential direction to issue conversion-recognition order of ITEP course; and/or

iv. issue a writ of mandamus or any other suitable writ or order or direction to respondents to display the name of petitioner institution in the list/category of recognised institutions, for conducting ITEP program on



their website and to inform affiliating University as well as Department of Higher Education, Government of Haryana enabling participation in the counselling & admission process for the academic year 2026-27 and subsequent years.”

2. Issue notice.
3. Mr. Anuj Kapoor, learned counsel accepts notice for the Respondents.
4. Mr. Amitesh Kumar, learned counsel for the Petitioners assails the refusal order dated 25.11.2025 issued by Northern Regional Committee ('NRC'), whereby application of the Petitioners dated 05.10.2025 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 order has been passed 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. Amitesh Kumar submits that at this stage, Petitioners will be satisfied if a direction is issued to the Respondents to issue a show cause notice and give an opportunity to the Petitioners to make a written representation.
5. 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 ('Regulations 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 order dated 25.11.2025 indicates that there were deficiencies/shortcomings in the application filed by the Petitioners seeking transition inasmuch as Petitioners did not submit evidence to prove that it is a multidisciplinary institution in relevant subjects and has not applied under the category of merger/collaboration as per guidelines issued by NCTE 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 passing the impugned order.

6. From a plain reading of the impugned order dated 25.11.2025, it is evident that the decision is predicated on alleged deficiencies enumerated therein. The refusal order 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 Petitioners 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 order dated 25.11.2025, 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.

7. 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.

8. 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.

9. Accordingly, without going into the merits of the case, this writ petition is allowed to a limited extent of setting aside impugned order dated 25.11.2025 on the ground that no reasonable opportunity was given to the Petitioners to make a written representation. It will be open to the Respondents to issue a show cause notice to the Petitioners pointing out deficiencies/shortcomings and calling upon the Petitioners to make a written representation. On receipt of the show cause notice, Petitioners shall submit their 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 Petitioners. Needless to state, the Petitioners will be at liberty to take recourse to legal remedies in case it is aggrieved by the order.

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

11. Writ petition is disposed of along with pending application.

JYOTI SINGH, J

DECEMBER 24, 2025

S.Sharma