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

+ **W.P.(C) 302/2026**

INDIRA GANDHI BALIKA NIKETAN P.G. COLLEGE

.....Petitioner

Through: Mr. Gaurav Arora Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR

.....Respondents

Through: Mr. Anuj Kapoor, Mr. Shivom Sethi,
Mr. Nandeesh Nanda, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

09.01.2026

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CM APPL. 1413/2026

Exemption allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) 302/2026

1. 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 439th meeting at S. No. 58, 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.”

2. Mr. Arora, learned counsel for the petitioner opposes the decision taken by the respondent No.2 in its 439th meeting held on 29.10.2025-31.10.2025, 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. He further submits that at this stage, the 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.
3. For the said reasons, issue notice.
4. Mr. Kapoor, learned counsel accepts notice on behalf of the respondents, and states that this writ petition is not maintainable as the order does not state “refusal” of recognition. It is argued that there is a distinction between ‘rejection’ and ‘refusal’ of an application. An



application which is incomplete or not accompanied by requisite documents is liable to be rejected summarily under Regulation 7(1) and (2) of the National Council of Teacher Education (Recognition Norms and Procedure) Regulations, 2014, whereas refusal of recognition under Regulation 7(3) is attracted only in cases involving furnishing of false information or concealment of material facts having a bearing on the decision-making process. The argument is that in the present case, impugned decision taken in 439th 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, The decision, therefore, constitutes a rejection and not a refusal, obviating the requirement of granting an opportunity of written representation under Section 14(3)(b) of the NCTE Act.

5. I have heard the learned counsel for the parties.
6. This order is being passed in view of a similar order dated 24.12.2025 passed in W.P.(C) 19714/2025, covering the present issue. Based upon the said order and using the same reasons and expressions, this order is being passed.
7. The submissions advanced on behalf of the respondents cannot be accepted. A bare perusal of the impugned decision of WRC taken in 439th meeting held on 29.10.2025-31.10.2025 shows that the decision is founded on alleged deficiencies and shortcomings attributed to the petitioners. Significantly, the order expressly invokes Sections 14/15(3)(b) and Section 17(4) of the NCTE Act and records a denial of transition to the I.T.E.P. course. Once such deficiencies form the basis



of denial, the respondents cannot be heard to contend that no opportunity was required to be afforded to the petitioners to explain or remedy the same. It is well settled that any administrative decision entailing civil consequences must conform to the principles of natural justice.

8. The impugned order does not disclose compliance with the proviso to Section 14(3)(b) of the NCTE Act, which mandates that before recognition is refused, the concerned institution must be given a reasonable opportunity to make a written representation. Denial of transition from an existing recognised course attracts this requirement. The absence of such opportunity renders the impugned decision unsustainable in law.
9. The attempted distinction drawn by the respondents between “rejection” and “refusal” under Regulation 7 of the Regulations, 2014 is of no assistance. Regulation 7 deals with the procedure for processing applications. Regulation 7 prescribes the procedure for processing applications: Regulation 7(1) provides for rejection of incomplete applications, Regulation 7(2) enumerates cases of summary rejection, while Regulation 7(3) contemplates refusal where false information or concealment of facts is involved. The present case may fall under Regulation 7(1) and not Regulation 7(3); however, this procedural distinction is irrelevant for the purposes of Section 14(3)(b) of the NCTE Act.
10. The proviso to Section 14(3)(b) mandates that before refusing recognition, the Regional Committee must afford the institution a reasonable opportunity to make a written representation. This



requirement equally applies where a recognised institution seeks transition to new courses. Clause (b) is attracted when the institution is found not to satisfy the requirements under Clause (a), including adequacy of infrastructure, finances, and staff. The expression “refusing” in Section 14(3)(b) cannot be equated with “refusal” in Regulation 7(3). Accordingly, the contention that no opportunity of representation was required is wholly misconceived and is rejected.

11. The reliance placed by the respondents on Clauses 6(iii) and 12 of the Public Notice dated 12.09.2025 as the source of power to summarily reject the application is equally untenable. An executive order or circular cannot override or operate in derogation of a statutory provision. Where the statute expressly mandates compliance with principles of natural justice, any executive order or circular to the contrary must yield to the statute.
12. In view of the above, without examining the merits of the deficiencies noted in the impugned order, the writ petition is allowed to the limited extent of setting aside the decision in 439th meeting on the ground of violation of principles of natural justice. The respondents are at liberty to issue a show cause notice to the petitioners specifying the alleged deficiencies and affording them an opportunity to submit a written representation. Upon receipt thereof, the petitioners shall file their response within a period of two weeks. Thereafter, the respondents shall pass a reasoned order in accordance with law within two weeks and communicate the same to the petitioners. It is clarified that the petitioners shall remain at liberty to avail appropriate legal remedies, if aggrieved by the decision so rendered.



13. This Court has not expressed any opinion on the merits of the case.
14. The present writ petition is disposed of along with pending applications, if any.

JASMEET SINGH, J

JANUARY 9, 2026/DM