



\$~91

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3841/2026**
SARASWATI PTC COLLEGE & ANR.Petitioners
Through: Mr. Amitesh Kumar, Ms. Priti
Kumari, Mr. Pankaj Kumar Ray, Advs.
versus
NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.
.....Respondents
Through: Mr. Rupal, Adv. (appearance not
given)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **25.03.2026**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“i. issue a writ of mandamus or any other suitable writ, order or direction holding that the show cause notice dated 12.03.2026 issued by Regional Director, WRC in terms of decision taken by WRC in its 439th Meeting held on 29th - 31st October, 2025 be treated to be only the communication to petitioner institution calling upon response of the institution to various aspects mentioned in the show cause notice in respect of PTC(D.El.Ed) course and permit the petitioner to submit response within a period of 30 days; . . .”

2. It is the case of the petitioners that the respondents have issued a Show Cause Notice dated 12.03.2026, wherein the operative portion reads as under:-



In view of the above, the Committee decided as under:

In pursuance of directions passed vide order dated 13.10.2025 by Hon'ble High Court of Delhi, recognition for P.T.C. course with annual intake of 50 students in respect of institution viz. Saraswati PTC College be restored w.e.f. 13.10.2025 i.e. date of issuance of court order in W.P.(C) 14917/2025. CM APPL. 61368/2025 till the fresh withdrawal order is passed against the institution. Copy of restoration order be endorsed to all others concerned. A copy of restoration order shall be uploaded on the NCTE website.

Accordingly, restoration order has been issued to institution separately.

Further, the Committee observed the institution is still deficient for compliance of the following in consonance with provisions contained in NCTE Act, Norms and Regulations, 2014 and guidelines issued from time to time:

- (i) The institution is required to submit documents in respect of its land and building located in its existing premises wherein recognition was granted by NCTE for P.T.C. course certified by the management of institution.
- (ii) The institution is required to submit certified copy of Building Plan approved by the Competent Authority of State Government indicating the Khasra/Plot/Survey No. and mentioning the total land area and built-up area earmarked for each course being run in the premises and the demarcated land and built-up area for the teacher education programmes.
- (iii) The institution is required to submit certified copy of Site Plan approved by the Competent Authority of State Government indicating the Khasra/Plot/Survey No. and mentioning the total land and built-up area earmarked for each course being run in the premises and the demarcated land area and built-up area for the teacher education programmes.
- (iv) The institution is required to submit the list of teaching staff for the recognized period of P.T.C. course in original countersigned by the Affiliating /Examining Body as per qualification contained in the NCTE Norms and Regulations as amended from time to time.
- (v) The institution is required to submit Fire Safety Certificate issued by Fire Safety Department, Government of Gujarat verifiable on its official portal.
- (vi) The institution is required to submit certified Building Safety Certificate in adherence of safety guidelines as prescribed by National/State Disaster Management Authority issued by Competent Government Authority.
- (vii) The institution is required to submit certified latest Non-Encumbrance Certificate issued by Competent Authority of State Government.
- (viii) The institution is required to submit certified Mutation Certificate and certified land documents issued by Competent Authority of State Government.
- (ix) The institution is required to submit latest certified Building Completion Certificate in the prescribed format of NCTE (17 points) issued by the Competent Government Authority for recognized course being conducted in the premises.
- (x) The institution is required to submit certified Land Use Certificate mentioning all Khasra Nos. issued by Competent Government Authority.
- (xi) The institution is required to submit Form 'A' in original issued by Bank Manager of the concerned bank along with copies of valid FDRs towards Endowment and Reserve Fund in joint operation mode in reference to Clause 10 (1) of NCTE Regulations, 2014.
- (xii) Downloaded copies related to updating and maintaining of institutional website in compliance to provisions under Clause 7(14)(i), 8(6), 8(14) and 10(3) of NCTE Regulations, 2014 as amended from time to time.
- (xiii) Certified document related with status of affiliation in respect of P.T.C. course in respect of institution issued by affiliating body.

In view of the above, the Committee decided as under:

Show Cause Notice under Section 17(1) be issued to the institution to comply fulfilment regarding deficiencies pointed above supported with an affidavit within 21 days from the date of issue of show cause notice. On receipt of reply from the institution, the same be placed before the WRC."



3. This order is being passed in view of a similar order dated 17.04.2023 passed in W.P.(C) 3767/2023, covering the present issue. Based upon the said order and using the same reasons and expressions, this order is being passed.

4. Mr. Kumar, learned counsel for the petitioners, raises a short grievance with respect to invocation of the provisions of Section 17 of the National Council for Teacher Education Act, 1993 (“**1993 Act**”). He submits that the NCTE grants the recognition once it records its satisfaction that all infrastructural facilities are in place, in accordance with the provisions of the Act and the Regulations made thereunder. He further submits that in any case after grant of recognition, if the NCTE wishes to verify any fact or requires any other information, the same can always be communicated to the concerned institution but in no case such a communication should be described as under Section 17 of the 1993 Act.

5. He, therefore, submits that notice under Section 17 of the 1993 Act causes prejudice to the institution and it creates impression to public at large, that such an institution is ill maintained. He while referring to the nature of the information mentioned in communication dated 12.03.2023 states that all those documents were already submitted by the petitioners before the recognition was granted to the petitioners. In any case, the petitioners is still willing to refurnish those information.

6. Learned counsel further draws my attention to the judgment of the Coordinate Bench dated 27.03.2023 titled **B.R.T.T. College v. National Council for Teacher Education** passed in **W.P.(C) 8635/2020** and **connected matters**. The relevant paragraphs read as under:-

“15. If the provisions of Section 17 of the Act of 1993 are considered in juxtaposition to the provisions of Sections 14 and



15 of the Act, it would indicate that if the RC intends to proceed for withdrawal of the recognition/permission so granted, it has to record its prima facie opinion on the basis of some facts or material which is available with it that necessitated action under Section 17 of the Act of 1993. If the provision of Section 17 of the Act of 1993 and the first proviso are harmoniously construed, the same would mean that before issuance of notice for withdrawal, the RC has to record reason as to which of the conditions stipulated under the Act, Regulation, Order, etc. is found to be violated by the concerned institution.

16. There has to be distinction between issuing letter seeking information from the institution simpliciter and notice under Section 17 of the NCTE Act of 1993. All communications or letters cannot, therefore, be made invoking Section 17 of the Act of 1993, unless invocation of Section 17 is inevitable.

17. Any SCN without any application of mind or material will not serve any fruitful purpose. On the other hand, it causes unnecessary harassment for the institution and the credibility of the institution becomes at stake, therefore, the “satisfaction” test may not be strictly applicable at the stage of SCN, but at least some material must exist apropos to the institution so that the same can be replied to by the institution.

XXXX

26. In view of the aforesaid discussion, the decision with respect to 316th and 325th meeting of RC are directed to be treated as communications to each institution, calling upon them to submit



their responses instead of the same being notices under Section 17 of the Act of 1993.”

7. A perusal of the said judgment clearly shows that the present Show Cause Notice is contrary to the judgment and is only a document seeking information from the petitioners.

8. For the said reasons, issue notice.

9. Mr. Rupal, learned counsel accepts notice on behalf of the respondents and states that the petitioners are under an obligation to furnish the relevant information asked by the NCTE and if the petitioners do not furnish the information, then necessary consequences will have to follow. He states that in any case, once the information so required is furnished by the petitioners, the respondents will scrutinise the same and then invoke the power under Section 17 of the 1993 Act for withdrawal of recognition, if found necessary.

10. He further draws my attention to the judgment of ***Union of India v. Kunisetty Satyanarayana, (2006) 12 SCC 28*** and more particularly paragraph 13 which reads as under:-

“13. It is well settled by a series of decisions of this Court that ordinarily no writ lies against a charge-sheet or show-cause notice vide Executive Engineer, Bihar State Housing Board v. Ramesh Kumar Singh [(1996) 1 SCC 327 : JT (1995) 8 SC 331] , Special Director v. Mohd. Ghulam Ghouse [(2004) 3 SCC 440 : 2004 SCC (Cri) 826 : AIR 2004 SC 1467] , Ulagappa v. Divisional Commr., Mysore [(2001) 10 SCC 639] , State of U.P. v. Brahm Datt Sharma [(1987) 2 SCC 179 : (1987) 3 ATC 319 : AIR 1987 SC 943] , etc.”

11. He also relies upon the judgment of the Gujarat High Court passed in



P.M. Patel College of Education v. Sardar Patel University, 2021 SCC OnLine Guj 151. The relevant paragraph reads as under:-

*“64. Keeping in mind the above provisions, I am of the view that the present petition cannot be allowed on the following grounds. **First**, on the show-cause notice, the writ petition is not maintainable and therefore, the judgment on which the petitioner has relied upon would not squarely applicable to the facts of present case. Mere a show-cause notice or notice itself does not infringe the right of anyone. It is only when the decision is taken, then the party can have any grievance against the said order. No doubt, in a very rare and exceptional case, the High Court quashes the show-cause notice if it is found without jurisdiction or for some reason, it is wholly unreasonable. The petition has not made out any such case or allegation against the respondents. Under the circumstances, the writ petition is not maintainable. **Second**, pending the petition, the admission process has already over on 29.10.2020. Under the circumstances, I am of the view that the present petition has become infructuous. Under the circumstances, I am of the view that it would not be advisable for this court to enter into the merits and demerits of the case. In the decision in case of State of Hariyana v. Krisna Rice reported in (1981) 4 SCC 148 : AIR 1982 SC 1106, the Apex Court has clearly laid down that once the petition has become infructuous, the High Court should not decide it on merits. Under the circumstances, I am of the view that the petition does not require any further consideration and*



requires to be dismissed as having become infructuous. Third, the appeal is provided against the order dated 4.5.2010. The NCTE Act is complete code, it provides efficacious remedy The writ is barred by alternative remedy.

12. The law with regard to issuance of writ against Show Cause Notices is well settled. The Courts should refrain from interdicting the effect and operation of the Show Cause Notices but in the present case, the judgment of the Coordinate Bench dated 27.03.2023 has attained finality and it clearly draws a distinction that a Show Cause Notice under Section 17 of the 1993 Act must be based on an application of mind by the respondents and a prior satisfaction needs to be recorded that there are some materials which exist for the institution to reply to.

13. The present Show Cause Notice shows that there is no application of mind and except for a phrase “still deficient”, there is not other basis to substantiate the deficiencies. The operative paragraph only calls for information from the petitioners.

14. Though letter dated 12.03.2026 is nomenclatured as a Show Cause Notice under Section 17 of the 1993 Act, a closer scrutiny *prima facie* seems to suggest the notice is only seeking information from the petitioners.

15. The appropriate course, to my mind, would have been that after submission of these documents, the respondents should have applied its mind whether the document supplied still show deficiencies on the part of the petitioners and thereafter issue a notice under Section 17 of the 1993 Act.

16. In the view of the aforesaid, the following directions are passed:-

(i) Let the Show Cause Notice dated 12.03.2023 be treated as only a “communication” to the petitioners calling upon to furnish the



relevant information.

(ii) The petitioners shall furnish the relevant information within a period of three weeks.

(iii) The respondents after scrutinising the response to be made by the petitioners shall examine the same and take a decision as to whether Section 17 of the Act of 1993 is to be invoked or otherwise.

17. With the aforesaid directions, the petition stands disposed of alongwith pending application.

JASMEET SINGH, J

MARCH 25, 2026/AS