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

CNR No. DLHC010234972025

+ **W.P.(C) 5342/2025**

RADHA MADHAV B ED COLLEGE & ANR.

.....Petitioner

Through: Mr. Amitesh Kumar, Ms. Priti
Kumari, Ms. Vipasha Jain, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

.....Respondent

Through: Mr. Mohinder JS Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra, Ms.
Tripta Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

31.07.2026

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

“a) issue an appropriate writ or order including the writ of Certiorari quashing order dated 05.07.2019 passed by Appellate Authority of NCTE and order dated 11.07.2009 passed by Western Regional Committee (WRC); and/or

b) issue an appropriate writ or order including the writ of mandamus directing NCIB (Respondent No.I) to inspect petitioner institution under Section 13 of NCTE Act, 1993 in



compliance of Judgement and Order passed by Hon'ble Supreme Court of India in the matter of National Council for Teacher Education & Anr vs. Vaishnav Institute of Technology and Management [2012 (5) SCC 139] and communicate result of such inspection with consequential direction for restoration of recognition of B.Ed course by taking action in terms of para 35 of the said judgement; and/or..”

2. The case of petitioners is that Western Regional Committee (**“WRC”**) vide its order dated 24.12.2006/06.03.2007 granted recognition to petitioner for running B.Ed course with intake of 100 students from academic year 2007-08. As the petitioner has been running the said course, in view of communication dated 21.05.2008 issued by NCTE, WRC decided to conduct inspection of petitioner institute under Section 17 of National Council for Teacher Act, 1993 (**“1993 Act”**). Accordingly, WRC carried out inspection of petitioner institute under Section 17 of NCTE Act on 08.06.2008 and ultimately, on the basis of said inspection report, WRC by its impugned order dated 11.07.2009 withdrew recognition of B.Ed course.
3. Mr. Amitesh Kumar, learned counsel for the petitioners, states that WRC took the impugned decision of withdrawal without any jurisdiction and authority and acted in violation of mandatory provisions contained in Section 13 of the 1993 Act. It is further submitted that even inspection report was not provided to petitioner. He further submits that withdrawal order passed by WRC is in violation of law laid down by Supreme Court of India in the matter of



National Council for Teacher Education v. Vaishnav Institute of Technology & Management, (2012) 5 SCC 139 . He also submits that Section 13 of the 1993 Act provides for Inspection of "recognized institutions". As per Section 13(1) of the 1993 Act, only NCTE can cause inspection of recognized institutions. It is mandated by Section 13(3) of the 1993 Act that after inspection of recognized institution, NCTE shall communicate its views with regard to result of such inspection and such views along with inspection report needs to be communicated to the institution so as to ascertain the opinion of the institution. Thereafter, NCTE is required to consider the inspection report, its views communicated to institution and opinion of the institution thereupon and thereafter, a recommendation is to be made by NCTE to the institution regarding "action to be taken" as a result of such inspection. However, the inspection carried out by WRC itself was without any jurisdiction and authority and even the procedure prescribed under Section 13 of the 1993 Act was not followed and thus, the withdrawal order issued by WRC being in violation of mandatory requirement u/s 13 of the 1993 Act is unsustainable and is liable to be quashed by this Court.

4. It has further been submitted that after aforesaid judgment of Hon'ble Supreme Court petitioners submitted various representations but no action was taken and consequently, left with no alternative petitioners filed statutory appeal under Section 18 of the 1993 Act, which was also rejected by appellate authority by its order dated 05.07.2029 without any consideration of contentions raised by petitioner institute.
5. Mr. Rupal, learned counsel for the respondents, opposed the matter



and submitted that both Regional Committee and Appellate Authority are justifying in passing impugned orders and the same does not require any interference by this Court. He further submits that despite having been provided opportunities, petitioner failed to demonstrate that it fulfilled the norms & standards laid down by respondents. He further submits that Appellate Authority has rightly rejected petitioner's appeal on the ground delay.

6. I have considered the matter and examined materials placed on record by parties.
7. Section 13 of the 1993 Act, provides a procedure which needs to be followed before issuing Show Cause Notice for withdrawal under Section 17 of the 1993 Act which reads as under:-

"13. Inspection:

“(1) For the purpose of ascertaining whether the recognised institutions are functioning in accordance with the provisions of this Act, the Council may cause inspection of any such institution, to be made by such persons as it may direct, and in such manner as may be prescribed. (2) The Council shall communicate to the institution the date on which inspection under sub-section (1) is to be made and the institution shall be entitled to be associated with the inspection in such manner as may be prescribed.

(3) The Council shall communicate to the said institution, its views in regard to the results of any such inspection and may, after ascertaining the opinion of that institution, recommend to that institution the action to be taken as a



result of such inspection.

(4) All communications to the institution under this section shall be made to the executive authority thereof, and the executive authority of the institution shall report to the Council the action, if any, which is proposed to be taken for the purpose of implementing any such recommendation as is referred to in sub-section (3)."

8. The compliance of provisions contained in Section 13 of the 1993 Act is statutorily and mandatory before any action of withdrawal can be taken under Section 17 of the 1993 Act.
9. Further the Hon'ble Supreme Court of India in the matter of ***Vaishnav Institute of Technology & Management (supra)*** has considered the scheme of the 1993 Act & more particularly in respect of Section 13 & 17 of the 1993 Act thereof and has held as under:-

"22. Once recognition has been granted by the Regional Committee to an institution, the Council has to ensure that such recognised institution functions in accordance with the 1993 Act. To achieve that objective, the Council has to get inspection of recognised institution done periodically and, if such institution is found wanting in its functioning as required, then recommend to the institution the remedial action to be taken by it as a result of the inspection.

"24. What is clear from the provisions of the 1993 Act is that post-recognition, an institution acquires a different position. On recognition by the Regional Committee under Section 14 and on affiliation being granted by the



examining body, once the recognised institution starts functioning, the interest of teachers, employees and the students intervene. In order to ensure that the recognised institutions function in accordance with the 1993 Act, the 1997 Rules, Regulations and the conditions of recognition and, at the same time, the functioning of such recognised institutions is not disturbed unnecessarily, the provision for inspection and follow-up action pursuant thereto has been made in Section 13.

25. By Section 13, as a matter of law, it is intended that the Council ascertains whether the recognised institutions are functioning in accordance with the provisions of the 1993 Act or not. For that purpose, it empowers the Council to cause inspection of any such institution to be made by such persons as it may direct, and in such manner as may be prescribed. The Council may authorise the Regional Committee to carry out its function of inspection. But such inspection has to be made as prescribed in Rule 8 to find out whether such recognised institution is or is not functioning in accordance with the provisions of the 1993 Act.

27. On the inspection being completed as provided in sub-sections (1) and (2) of Section 13 of the 1993 Act read with Rule 8 of the 1997 Rules, the Council is required to communicate to the institution concerned its views with regard to the outcome of the inspection and, if deficiencies are found, to recommend to such institution to make up the



deficiencies. The whole idea is that the Council as a parent body keeps an eye over the recognised institutions that they function in accordance with the 1993 Act and the Rules and the Regulations and Orders made or issued thereunder and, if any recognised institution is found wanting in its functioning, it is given an opportunity to rectify the deficiencies.

28. Derecognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers and the staff. That is why, the Council has been empowered under Section 13 to have a constant vigil on the functioning of a recognised institution. On the recommendation of the Council after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the 1993 Act or the Rules or the Regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of recognition in accordance with the procedure prescribed therein.

29. Sections 17 and 13 must be harmoniously construed. In exercise of its powers under Section 17, the Regional Committee may feel that inspection of a recognised institution is necessary before it can arrive at the satisfaction as to whether such a recognised institution has contravened any of the provisions of the 1993 Act or the Rules or the Regulations or the Orders made thereunder or



breached the terms of the recognition. In that event, the route of inspection as provided under Section 13 has to be followed. If the Regional Committee has been authorised by the Council to perform its function of inspection, the Regional Committee may cause the inspection of recognised institution to be made as provided in Section 13 and prescribed in Rule 8. Where, however, the Regional Committee feels that the inspection of a recognised institution is not necessary for the proposed action under Section 17, obviously it can proceed in accordance with the law without following the route of inspection as provided under Section 13"

10. It is clear from the aforesaid judgment that power and authority to inspect a recognized institution is conferred only upon NCTE under Section 13 of the 1993 Act and Regional Committee does not have any jurisdiction & authority to inspect a recognized institute. The Hon'ble Supreme Court has clearly held that by Section 13 of the 1993 Act, as a matter of law, it is intended that the NCTE ascertains whether the recognized institutions are functioning in accordance with the provisions of the 1993 Act or not and for the said purpose, it empowers the NCTE to cause inspection of any such recognized institution.
11. Not only that, a perusal of the aforesaid paragraphs of the judgment of Hon'ble Supreme Court in the matter of ***Vaishnav Institute of Technology & Management (supra)*** shows that it is incumbent on respondent No. 1 to furnish copy of the inspection report and give



opportunity to the institution to take remedial actions. Only once that opportunity is granted and no remedial action is taken, the order under Section 17 of the 1993 Act can be passed.

12. It is undisputed that inspection which formed the basis of passing impugned withdrawal order dated 11.07.2019 was carried out by WRC and not by NCTE. Thus, entire action taken by WRC is not only without jurisdiction and authority under the 1993 Act but the same is also in teeth of aforesaid judgment of Hon'ble Supreme Court in the matter of ***Vaishnav Institute of Technology & Management (supra)*** and accordingly, the same cannot be sustained.
13. It appears from materials placed on record that though, petitioners submitted various representations but no action was taken by respondents which ultimately compelled the petitioner to file appeal under Section 18 of the 1993 Act. However, the said appeal was also rejected by order dated 05.07.2019. Once the foundation of entire action taken by Regional Committee is without jurisdiction and authority and contrary to law laid down by Hon'ble Supreme Court in the matter of ***Vaishnav Institute of Technology & Management (supra)***, therefore, the order of Appellate Authority also cannot be sustained.
14. It is apparent from impugned orders that the copy of the inspection report or an opportunity to remedy the shortfalls/ deficiencies, as required under Section 13 of the 1993 Act was also not provided. Further, action was taken by respondents and impugned orders were passed not only in violation of mandatory requirement under Section 13 of the 1993 Act but the entire action taken by respondents is also in



violation of aforesaid judgment ***Vaishnav Institute of Technology & Management (supra)***.

15. In view of the above, impugned order dated 11.07.2009 passed by WRC and order dated 05.07.2019 passed by Appellate Authority cannot be sustained and are accordingly set aside. However, as the petitioner institute is presently not running B.Ed course in view of action of withdrawal of recognition therefore, petitioner institute may admit students subject to verification of the institute in terms of following directions:-

- (i) The Council (NCTE) is directed to carry out fresh inspection in terms of Section 13 of the NCTE Act and inform the petitioner institution about recommendations/views, if any, on the basis of such inspection alongwith inspection report. The inspection shall be carried out preferably within a period of 8 weeks from today;
- (ii) In the event, any deficiencies are pointed out in the recommendations, NCTE will grant reasonable time to the petitioner institution to rectify the same and if petitioner is unable to rectify/comply with recommendations, then NCTE will forward the matter to Regional Committee for taking fresh action in accordance with law; and
- (iii) If no deficiencies are recommended, or in case deficiencies recommended by NCTE are rectified by petitioner institution during the time period granted to it, WRC will restore the recognition of petitioner institution for



100 seats (two basic units) of B.Ed course and accordingly, after restoration of recognition, petitioner shall be entitled to participate in the counselling and admit students in B.Ed course.

(iv) consequently, Respondents shall communicate about the restoration order to the affiliating university of the petitioner institution as well as to the State Government of Gujarat and Counselling Authorities regarding recognized status of B.Ed course of petitioner institute. Further, respondents will also do the needful with regard to updation of the status of petitioner institution in respect 100 seats (two basic units) of B.Ed course on their official website.

16. In view of above, petition stands disposed of.

JASMEET SINGH, J

JULY 31, 2026/sp