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

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Judgment Reserved on: 06.04.2026

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LPA 27/2023 & CM APPL. 1677/2023, CM APPL. 48233/2025

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR.

.....Appellants

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

versus

HOLY CHILD BED COLLEGE & ANR.Respondents

Through: Mr. Sanjay Sharawat, Sr. Adv. with Mr. Mayank Manish, Mr. Ravi Kant, Mr. Vineet Upadhyay and Mr. Ayush Aanand, Advs.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****MANMEET PRITAM SINGH ARORA, J.**

1. The present intra Court appeal has been filed under Clause 10 of the Letters Patent read with Section 10 of Delhi High Court Act, 1966 assailing the order dated 23.09.2022 passed by the learned Single Judge in W.P(C) No. 1043/2022 titled as 'Holy Child B.ED. College vs NCTE & Ors'.

2. The grievance of the Petitioner is that the learned Single Judge while upholding the validity of the order dated 26.02.2020 passed by the Appellant No.2 [i.e., Eastern Regional Committee ('ERC')] withdrawing the recognition of the B. Ed course offered by Respondent No. 1/Institute as



well as the validity of the order dated 10.03.2021 passed by the Appellant No.1 [i.e., National Council for Teacher Education ('NCTE')], rejecting the appeal of Respondent No. 1, nevertheless directed the Appellant No. 2 to effectively consider Respondent No. 1's eligibility for the prospective academic session. The operative part of the impugned order challenged in this appeal is as under: -

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5. In terms of the proviso to Section 17(1) of the NCTE Act, 1993, the withdrawal of recognition has already come into effect and therefore, Petitioner college cannot intake students for the academic session 2022-23.

6. Petitioner - college was originally granted recognition for B.Ed. course from the academic session 2008-09 vide ERC's order dated 30 August, 2008. Given that Petitioner has claimed that the faculty list is now in place, it will be appropriate that ERC examine the same. Accordingly, ERC is directed to examine the afore-said faculty list and conduct an inspection if so required and take a decision for the prospective session, in accordance with law within a period of three months from today.

7. The above direction is subject to cost of Rs. 10,000/- to be deposited with Delhi High Court Advocates' Welfare Trust.

8. The Court has not examined the merits of the case of Petitioner and all rights and contentions are left open.

9. With the above directions, the petition is disposed of.”

Submissions by the Appellant

3. It is the case of the Appellants that Respondent No. 1/Institution was granted a revised recognition order dated 24.05.2015 for the B.Ed. programme with an annual intake of 100 students, subject to fulfilment of prescribed conditions, including submission of a faculty list duly approved by the affiliating University.

3.1. Mr. Hardik Rupal, learned counsel for the Appellants states that



pursuant to coming into force of NCTE (Recognition Norms and Procedure) Regulations, 2014 ('NCTE Regulations, 2014'), all Institutions recognized by the NCTE were granted time till 31.10.2015 to comply with the revised norms and standards.

It is stated that Respondent No. 1, however, failed to comply with the norms, within the stipulated period and remained non-compliant thereafter as well.

3.2. He states that the NCTE Regulations, 2014, particularly Regulation 7, Regulation 7(13), and Regulation 7(14)(i), mandate compliance with faculty, infrastructure and administrative requirements by the concerned Institution (i.e., Respondent No. 1), including an approved faculty, approved building documents, and a functional website carrying complete statutory disclosures.

3.3. He states that in view of non-compliances, a Show Cause Notice dated 21.02.2019 was issued by Appellant No. 2 to Respondent No. 1/Institute requiring it to inter-alia furnish the current approved faculty list, approved building plan, approved building completion certificate and confirmation on website operation. He states that in its reply dated 20.03.2019, Respondent No. 1 did not furnish compliance and instead sought further time till 31.05.2019 to submit the approved faculty list.

3.4. He states that thereafter, a final Show Cause Notice dated 26.12.2019 was issued by Appellant No. 2 to Respondent No. 1/Institute. In response to same, Respondent No. 1 failed to demonstrate compliance and admitted that the approved faculty list and the building completion certificate would be furnished in due course and that the website was not being properly maintained and updated.

3.5. He states that since the deficiencies remained unrectified, Appellant



No. 2, in exercise of powers under Section 17(1) of NCTE, Act 1993, passed the withdrawal order dated 26.02.2020 on three (3) principal grounds, namely:

- i. Faculty list is not up-to-date as per NCTE Regulations, 2014. The list is not duly approved by affiliating body;
- ii. Website is not maintained and updated;
- iii. Building completion certificate (completion certificate) issued by the competent authority is not submitted.

3.6. Aggrieved by the said withdrawal order dated 26.02.2020, Respondent No. 1 preferred an appeal under Section 18 of the NCTE Act, 1993 before the Appeal Committee i.e., Appellant No. 1. The appeal was dismissed *vide* order dated 10.03.2021, after recording that despite three (3) opportunities no one appeared on behalf of the Respondent No.1 and that, till date, the required deficiencies remained unaddressed and unresolved.

3.7. He states that the learned Single Judge, found no infirmity in either the withdrawal order dated 26.02.2020 or the appellate order dated 10.03.2021 and expressly upheld both, however, despite affirming the validity of the statutory action, the learned Single Judge has directed reconsideration of the Respondent No. 1/Institution for admission of students for prospective academic session.

3.8. He states that Respondent No. 1/Institute relied upon the approved faculty list dated 01.08.2022 before the learned Single Judge and this persuaded the Court to direct reconsideration of the approved faculty list submitted by Respondent No. 1.

3.9. He states, however, the withdrawal order dated 26.02.2020, which



was upheld in appeal vide order dated 10.03.2021 had attained finality and it is impermissible under the scheme of the NCTE Act, 1993 and the NCTE Regulations, 2014, to reconsider recall of the withdrawal of the recognition.

3.10. He states that the Respondent No. 1/Institute must apply afresh for recognition as per the extant law and no relief could have been granted to Respondent No. 1/Institute in the writ petition.

3.11. He summarises that the Respondent No. 1 was granted multiple opportunities and sufficient time to remove the deficiencies and bring itself in conformity with the applicable norms. Despite such indulgence, the Respondent No. 1 failed to take timely and effective steps for curing the deficiencies. It is submitted that the action of withdrawal was not taken abruptly or without notice, but only after the Respondent No. 1 failed to comply even after issuance of SCN(s) and grant of adequate opportunity. The Respondent No. 1, having remained inactive despite repeated chances, cannot now contend that it was denied a fair opportunity or seek to take advantage of its own delay and inaction.

Submissions by the Respondent No.1

4. Mr. Sanjay Sharawat, learned senior counsel appearing for the Respondent No. 1/Institution states that Respondent No. 1 was initially affiliated with Gaur Banga University. He states that Respondent No. 1's faculty list was approved by the said University.

4.1. He states that subsequently Respondent No. 1/Institute's affiliation changed to West Bengal University of Teachers' Training Education Planning & Administration ('WBTTEPA') vide letter dated 11.05.2017 and Respondent No. 1/Institute was granted affiliation for conducting the B. Ed course for the academic session 2017-18. He states that due to this change of affiliating University, Respondent No. 1 had to undertake fresh approval of



its faculty from the new affiliating University/WBTTEPA and submit the same to Appellant No. 2.

4.2. He states that despite its best efforts it did not receive timely approval of the faculty list from the affiliating University/WBTTEPA and this fact was duly communicated to Appellant No. 2 (i.e., ERC). He states that the steps taken by Respondent No. 1 between 2019-22 for having the faculty list approved is on record. He states that due to the lockdown imposed in the country in 2020-21 the issue of approval was exacerbated. He states that the final approved faculty list was received on 01.08.2022. He states that the facts on record demonstrated that the delay in getting the approval of the faculty list was not entirely due to the inaction of the Respondent No. 1 and, therefore, in these peculiar facts, learned Single Judge directed a fresh reconsideration.

4.3. He states that after the issuance of the withdrawal order dated 26.02.2020, Respondent No. 1/Institute was permitted to admit students for the academic session 2020-21 by the order of the High Court in W.P.(C) 7818/2020, since the appeal against the withdrawal order was pending before Appellant No. 1.

4.4. He states that if Respondent No. 1/Institute applies for recognition to the Appellant No. 2 under the extant law, it will be difficult for it as Appellant's policy has changed and recognition to standalone institute offering B. Ed course is no more permissible and recognition is only granted to institutes offering multi-disciplinary courses. He states, therefore, Respondent No. 1/Institute is pursuing for revival of the revised recognition granted on 24.05.2015.

Case Analysis:

5. We have heard the learned counsels for the parties and have perused



the record.

6. During the proceedings in the present matter, *vide* interim order dated 13.01.2023 this Court has stayed the operation of the impugned order dated 23.09.2022.

7. In response to our query, learned senior counsel for Respondent No. 1/Institute states that after academic session of 2020-21 no further students have been admitted to the Respondent No.1/Institute in view of the withdrawal of the recognition by the Appellants. He states that due to the withdrawal order dated 26.02.2020, WBTTEPA ('University') has not renewed Respondent No. 1's affiliation. He also clarifies that since no further students have been admitted, as on date the faculty enlisted in the approved list dated 01.08.2022 is no more employed with Respondent No. 1/Institute.

8. The facts as they stand today are that recognition of Respondent No. 1/Institute was withdrawn by Appellant No. 2 *vide* order dated 26.02.2020 and the appeal filed against the said order was dismissed on 10.03.2021, thus the withdrawal order has attained finality. The legality of the said orders has been upheld by the learned Single Judge and there is no challenge to the said orders even in these proceedings.

9. As a corollary, WBTTEPA ('University') has not renewed the affiliation of Respondent No. 1/Institute and it has not admitted any students after the academic session of 2020-21.

10. One of the principal grounds for the passing of the withdrawal order dated 26.02.2020 was that Respondent No. 1/Institute did not have requisite as well as an approved faculty list atleast since 22.06.2017. The first Show Cause Notice was issued on 21.02.2019 and again a final Show Cause



Notice on 26.12.2019. Since the issues raised in notices remained non-compliant, Appellant No. 2 passed the withdrawal order dated 26.02.2020. There was no issue of nationwide lockdown between June, 2017 and February, 2020, however, Respondent No. 1 failed to ensure appointment of requisite faculty and obtain approval of the faculty list from WBTTEPA ('University')

Respondent No. 1 filed an appeal on 27.09.2020, before Appellant No. 1, against the withdrawal order dated 26.02.2020 passed by Appellant No. 2.

11. During the pendency of its appeal before Appellant No. 1, Respondent No. 1 filed W.P.(C) 7818/2020 seeking a direction that it should be permitted to admit students for academic year 2020-21 during the pendency of the appeal. In the said writ petition, permission was granted vide order dated 12.10.2020 to Respondent No. 1/Institute to admit students for the academic session 2020-21, pending its appeal.

12. The issue of unavailability of the requisite faculty and approved faculty list from WBTTEPA ('University') continued to remain outstanding. The appeal against the said withdrawal order was also decided by Appellant No. 1 after one (1) year on 10.03.2021, upholding the withdrawal order passed by Appellant No. 2.

13. There is no dispute that the deficiencies recorded in the withdrawal order dated 26.02.2020 and the Appellate order dated 10.03.2021 existed in Respondent No. 1/Institute, on the date of passing of the orders and therefore, the orders were correct in fact and law.

14. Respondent No. 1, after 10 months on 10.01.2022, filed the underlying W.P. (C) 1043/2022 alleging that it has been unable to obtain the



approved faculty list from the WBTTEPA ('University') on account of the inaction of the said University. It made the University a party in the said writ and sought a direction to the said University to provide the approved faculty list. The approved faculty list was provided by the University on 01.08.2022.

15. The approved faculty list has been placed on record as Annexure R-4. A perusal of this list shows that 15 out of 20 faculty members in this list were appointed by Respondent No. 1/Institute only on 10.06.2022. In our considered opinion, this fact alone shows that the apprehension of Appellant No. 2 that Respondent No. 1 was operating the Institute without the requisite faculty stands proved. In our considered opinion, the appointment of the faculty on 10.06.2022 could not have afforded any legal or equitable right in favour of Respondent No. 1/Institute for seeking reconsideration from the Appellants against withdrawal order dated 26.02.2020.

16. Having perused the facts on record, we are satisfied that Respondent No. 1/Institute was in default of its compliance obligations with respect to deployment of requisite faculty as well as approved faculty and therefore its recognition had been rightly withdrawn by the Appellants. The facts on record do not show that though Respondent No. 1/Institute had the requisite faculty, it was only awaiting approval from the WBTTEPA ('University'). Lack of requisite faculty for the period of 2017-2021 cannot be justified by Respondent No. 1 by placing the blame on WBTTEPA ('University'). Appellant's orders withdrawing the recognition was justified and necessary for protecting the interest of the students who would have been enrolled in Respondent No. 1/Institute which did not have the requisite faculty.

17. Moreover, with the passage of time, as on date Respondent No. 1/Institute no more has on its rolls the faculty, which was appointed on



10.06.2022 or the other employees enlisted in the said approved list dated 01.08.2022. It is no more affiliated with WBTTEPA ('University') and students were last enrolled in the academic year 2020-21. The facts on ground have therefore changed. Respondent No. 1 can apply for fresh recognition after complying with the Rules and, therefore, no prejudice has been caused to it.

18. We therefore find merit in this appeal and are of the considered opinion that there can be no direction issued to Appellants to examine the faculty list dated 01.08.2022 or re-inspect the premises of Respondent No. 1. The withdrawal order dated 26.02.2020, which was upheld by Appellant No. 1 on 10.03.2021 having been found to be legal and valid by the learned Single Judge attained finality, and there was no good ground to direct the Appellants to reconsider their decision.

19. The Respondent has relied upon the judgment of this Court in **Rambha College of Education v. National Council for Teacher Education**¹, (which has been authored by one of us i.e., V. Kameswar Rao, J) to contend that a direction for remand to the Appellate Authority is permissible for considering subsequent events (such as the approved faculty list dated 01.08.2022 in the facts of this case). In our considered opinion, the facts of the said judgment are distinguishable. In **Rambha College** (supra), the concerned institution had cured the deficiency while the validity of the withdrawal order was pending consideration before the Appellate Authority/NCTE, however the Appellate authority declined to take note of the subsequent event curing the deficiency. It was brought to the attention of the High Court that in similar facts, other institutes have been permitted to

¹ Judgment dated 23.02.2017 in W.P.(C) 3231/2016



submit documents for curing deficiency. It was in this context that the Court held that subsequent events occurring between the decision of the Regional Committee and the decision of the Appellate Authority, which showed that the deficiency stood cured, ought to have been considered. In the present case, however, the faculty list was approved on 01.08.2022, i.e., much after (13 months later) the order dated 10.03.2021 passed by the Appellate Authority. Moreover, the requisite faculty itself had been appointed on 10.06.2022 as observed above and we are not satisfied that this circumstance was not in the control of the Respondent No. 1/Institute and this belated appointment of faculty should be considered as compliance of the Show Cause Notice dated 21.02.2019.

20. The facts of this case do not merit any direction to the Appellants for reconsideration at the instance of Respondent No. 1.

21. The appeal is accordingly allowed. Pending applications are disposed of.

CM APPL. 48233/2025 (Waiver of cost)

22. This is an application filed by the appellant seeking waiver of costs imposed vide order dated 25.11.2024 (wrongly pleaded as order dated 04.02.2025).

23. For the reasons stated in the application, the costs are hereby waived. The application is allowed. The directions to pay costs are hereby recalled.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

MAY 07, 2026/hp/AJ