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

Date of decision: 14.10.2026

CNR No. DLHC010500312026

+ **W.P.(C) 15346/2026**

TIRHUT COLLEGE OF PHYSICAL EDUCATION & ANR.

.....Petitioners

Through: Mr. Amitesh Kumar, Ms. Preeti
Kumari, Advs.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION & ANR.

.....Respondents

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

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

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

“A. pass a writ of certiorari or any other suitable writ or order quashing & setting aside the impugned refusal order dated 01.10.2026 refusing recognition of M.P.Ed (Master of Physical Education) course; and/or



B. issue a writ of mandamus or any other suitable writ, order or direction to respondents to conduct inspection of petitioner institute and process/decide application for grant of recognition of M.P.Ed (Master of Physical Education) course expeditiously and in time bound manner; and/or...”

2. The present order is being passed in view of the order dated 07.08.2026 passed in W.P.(C) 4221/2026, which deals with a similar issue. Following the reasoning adopted and the observations made therein, the present petition is being disposed of on similar grounds.
3. It is the case of the petitioners that petitioner No. 1 (***“petitioner institute”***) is an established institution set up by petitioner No. 2 Society and was granted recognition by respondent No. 2, namely, the Eastern Regional Committee (***“ERC”***), for conducting various Teacher Education Courses, including B.P.Ed. and D.P.Ed.
4. Pursuant to a public notice issued by the National Council for Teacher Education (***“NCTE”***), the petitioner institute submitted an application dated 30.05.2026 seeking recognition for the Master of Physical Education (***“M.P.Ed.”***) course. However, without conducting any inspection and upon preliminary scrutiny of the application, the ERC issued a show cause notice dated 16.07.2026.
5. The petitioner institute duly submitted its reply to the said show cause notice by email dated 31.07.2026, within the stipulated time. However, without taking the said reply into consideration, the ERC issued a final show cause notice dated 02.09.2026, recording in paragraph 4 thereof that no reply had been submitted by the petitioner institute within the prescribed time limit.



6. Thereafter, the petitioner institute submitted its reply dated 02.09.2026 to the final show cause notice, both by email and through courier. As per the tracking report, the said reply was delivered to the office of the respondent on 07.09.2026. However, the ERC, vide the impugned refusal order dated 01.10.2026, rejected the petitioners' application seeking recognition for the M.P.Ed. course.
7. The grievance of the petitioners is that, despite having duly submitted replies to both the initial show cause notice and the final show cause notice, the ERC failed to consider the same before passing the impugned refusal order dated 01.10.2026.
8. Learned counsel for the petitioners has drawn my attention to the reply submitted in response to the first show cause notice, annexed as Annexure P-10 to the writ petition, and, in particular, to the email dated 31.07.2026, whereby the said reply was forwarded to the ERC.
9. My attention has also been drawn to the reply to the final show cause notice, annexed as Annexure P-12 to the writ petition.
10. Mr. Kumar, learned counsel for the petitioners, has further drawn my attention to paragraph 4 of the final show cause notice and paragraphs 4 and 6 of the impugned refusal order. He submits that, despite the replies having been duly submitted by the petitioners, paragraph 4 of the final show cause notice records that no reply was received within the prescribed time limit, while paragraph 6 of the impugned refusal order similarly records that no reply was submitted by the petitioner institute. It is contended that these observations are factually incorrect and contrary to the record.



11. Mr. Rupal, learned counsel appearing on behalf of the respondents, opposes the petition on the ground of maintainability, contending that the petitioners have an alternative statutory remedy of appeal under Section 18 of the National Council for Teacher Education Act, 1993. However, he is unable to dispute that the replies submitted by the petitioners were not duly considered by the Regional Committee before the refusal order was passed. It is also undisputed that no inspection of the petitioner institute has been conducted to verify the availability of the requisite physical and academic infrastructure or the preparedness of the institution to commence the M.P.Ed. course.
12. I have heard learned counsel for the parties and perused the documents placed on record.
13. The impugned refusal order dated 01.10.2026 reads as under:



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NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)

(A Statutory Body of the Government of India)

Eastern Regional Committee.**ANNEXURE P-1**G-7, Sector-10, Dwaraka, New-Delhi - 110075

F.No.NCTE/ERC/27282026052210200/BIHAR/2026/REJC/3139

Dated: 01/10/2026

TO BE PUBLISHED IN GAZETTE OF INDIA PART III SECTION 4**REFUSAL ORDER**

WHEREAS, in terms of Section 14/15(1) of the NCTE Act, **Tirhut College Of Physical Education Society**, Jhapahan, Nh-77 Sitamarhi Road, Bochahan, Muzaffarpur, Muzaffarpur, Bihar-842004 has applied for Grant of Recognition to **Tirhut College Of Physical Education**, Muzaffarpur, Nh-77 Sitamarhi Road, Bochahan, Muzaffarpur, Muzaffarpur, Bihar-842004 for Master Of Physical Education (M.P.Ed) Degree. course/programme online on 30/05/2026 in the **Eastern Regional Committee**, NCTE, for the session 2027-28.

2. AND WHEREAS, the **Eastern Regional Committee** in its ERC Meeting has considered the application submitted online by the institution, along with related on dated **08/07/2026 in Meeting No. 402** and has decided to provide reasonable opportunity for making written representation before passing Refusal order under clause 14 / 15 (3)(b) of NCTE Act, 1993 on the following grounds:

Sr. No.	SCN Ground(s)
1	The institution has not submitted proof for being a Multidisciplinary institution.
2	The submitted land documents do not clearly state the mode of possession.
3	The institution is required to submit a certified/notarized copy of Land documents showing the ownership of land in the name of the institution/Trust/Society.
4	The institution has not uploaded latest certified/notarized copy of recent CLU, Mutation and Non-Encumbrance certificates issued by the concerned competent authorities.
5	The institution is required to submit a legible copy of building plan demarcating total land and build up area for the proposed & existing teacher education programmes duly approved by the Competent Authority.
6	The institution has not submitted the Building Completion Certificate in the prescribed format of NCTE indicating the demarcated land and build up area for the proposed & existing teacher education programme (s) duly approved by the Competent Authority.
7	The institution is required to submit latest Building Safety Certificate as per National/State Disaster Management Authority duly issued from Govt. Competent Authority.
8	The institution is required to submit latest Fire Safety Certificate issued from Competent Authority.
9	A certificate to the effect that campus, furniture and facilities in the institute are disabled friendly issued by the competent authority is required

3. AND WHEREAS, in terms of above decision of **Eastern Regional Committee**, vide first show cause Notice dated **16/07/2026** you were requested to make a **written representation through online within 21 days** alongwith all relevant supporting documents from the date of issue of first Show Cause Notice.

4. AND WHEREAS, The reply submitted by the TEI/HEI was considered by the Regional Committee on **24/08/2026 in Meeting No. 404** and the same was found deficient in terms of the following :-

Sr. No.	SCN Ground(s)
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1	The institution has not submitted proof for being a Multidisciplinary institution
2	The submitted land documents do not clearly state the mode of possession
3	The institution is required to submit a certified/notarized copy of Land documents showing the ownership of land in the name of the institution/Trust/Society.
4	The institution has not uploaded latest certified/notarized copy of recent CLU, Mutation and Non-Encumbrance certificates issued by the concerned competent authorities.
5	The institution is required to submit a legible copy of building plan demarcating total land and build up area for the proposed & existing teacher education programmes duly approved by the Competent Authority
6	The institution has not submitted the Building Completion Certificate in the prescribed format of NCTE indicating the demarcated land and build up area for the proposed & existing teacher education programme (s) duly approved by the Competent Authority.
7	The institution is required to submit latest Building Safety Certificate as per National/State Disaster Management Authority duly issued from Govt. Competent Authority
8	The institution is required to submit latest Fire Safety Certificate issued from Competent Authority
9	A certificate to the effect that campus, furniture and facilities in the institute are disabled friendly issued by the competent authority is required

5. AND WHEREAS in terms of above decision of **Eastern Regional Committee**, you were requested to make a written representation through online within 15 days along with all relevant supporting documents from the date of issue of notice dated 02/09/2026.

6. AND WHEREAS, no reply was been submitted by your TEI / HEI within the prescribed time limit.

7. AND WHEREAS, the **Eastern Regional Committee** on 22/09/2026 in Meeting No. 409 considered the matter and decided the following :-

1) The institution has not submitted proof for being a Multidisciplinary institution. 2) The submitted land documents do not clearly state the mode of possession. 3) The institution is required to submit a certified/notarized copy of Land documents showing the ownership of land in the name of the institution/Trust/Society. 4) The institution has not uploaded latest certified/notarized copy of recent CLU, Mutation and Non-Encumbrance certificates issued by the concerned competent authorities. 5) The institution is required to submit a legible copy of building plan demarcating total land and build up area for the proposed & existing teacher education programmes duly approved by the Competent Authority. 6) The institution has not submitted the Building Completion Certificate in the prescribed format of NCTE indicating the demarcated land and build up area for the proposed & existing teacher education programme (s) duly approved by the Competent Authority. 7) The institution is required to submit latest Building Safety Certificate as per National/State Disaster Management Authority duly issued from Govt. Competent Authority. 8) The institution is required to submit latest Fire Safety Certificate issued from Competent Authority. 9) A certificate to the effect that campus, furniture and facilities in the institute are disabled friendly issued by the competent authority is required

NOW WHEREAS, consequent upon the decision taken by the **Eastern Regional Committee** mentioned under para above, the application submitted by your institution as detailed in para 1 of this order is hereby refused under clause 14/15(3)(b) of NCTE Act, 1993.

AND WHEREAS, consequent upon issuance of this order, you are hereby informed about the provision canvassed under clause 17(4) of the NCTE Act, 1993 and directed to not contravene the same. The clause 17(4) is reproduced below :-

"If an institution offers any course or training in teacher education after the coming into force of the order withdrawing recognition under sub-section (1) or where an institution offering a course or training in teacher education immediately before the appointed day fails or neglects to obtain recognition or permission under this Act, the qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government, any State Government or University, or in any school, college or other educational body aided by the Central Government or any State Government."

AND WHEREAS, consequent upon the issuance of this order, you are hereby informed that the managing society / trust / company of the proposed institution, if aggrieved by this order, can file an Appeal (online) under Section 18 of the NCTE Act, 1993 before the Appellate Authority of NCTE within 60 days from the date of issuance of this order.



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By Order,

Regional Director,

Eastern Regional Committee,

National Council for Teacher Education,

[G-7, Sector-10](#), Dwaraka, New-Delhi - 110075.

To,

Secretary,

TIRHUT COLLEGE OF PHYSICAL EDUCATION,

MUZAFFARPUR, NH-77 SITAMARHI ROAD, BOCHAHAN, MUZAFFARPUR, MUZAFFARPUR, BIHAR-842004, MUZAFFARPUR, BIHAR-842004

Copy To:

The Correspondent/Secretary,

tirhut college of physical education society,

jhapahan, nh-77 sitamarhi road, bochahan, muzaffarpur, MUZAFFARPUR, BIHAR-842004.

For any queries, please contact Regional Director, Eastern Regional Committee of NCTE at (erc@ncte-india.org)

Note: This is a system generated email, please do not reply to this email.

14. A perusal of the impugned refusal order dated 01.10.2026 reveals that, apart from recording in paragraph 4 that “reply submitted by the TEI/HEI was considered by Regional Committee on 24.08.2026 in Meeting No. 404”, the Regional Committee has not furnished any reasons demonstrating consideration of the petitioners’ reply or the documents submitted along with it. Once a reply to a show cause notice has been duly submitted, the Regional Committee is required to consider the same, along with the accompanying documents, before arriving at a decision adverse to the institution.



15. Further, a perusal of the documents placed on record reveals an apparent inconsistency in the stand taken by the ERC. While issuing the final show cause notice dated 02.09.2026, the ERC recorded in paragraph 4 that “no reply has been submitted by your TEI/HEI within the prescribed time limit”. However, paragraph 4 of the impugned refusal order records that the reply submitted by the TEI/HEI was considered by the Regional Committee on 24.08.2026 in Meeting No. 404. These contradictory observations raise serious doubts regarding the application of mind by the Regional Committee and indicate that the reply submitted by the petitioner institute to the first show cause notice was not duly considered. Further, despite the petitioner institute having submitted a reply to the final show cause notice, paragraph 6 of the impugned refusal order records that no reply had been submitted.
16. It is also pertinent to note that paragraph 7 of the impugned refusal order sets out various deficiencies relating to the physical infrastructure of the petitioner institute. However, as pointed out by Mr. Kumar, learned counsel for the petitioners, no inspection of the institution has been conducted till date. In the absence of such an inspection, the deficiencies recorded in the impugned order assume significance, particularly when the petitioner institute disputes the manner in which its application and the accompanying material have been considered.
17. In view of the foregoing, it is evident that the respondents have failed to duly consider the replies submitted by the petitioners to the first show cause notice and the final show cause notice, despite the same



having been received by the ERC. The impugned refusal order dated 01.10.2026 has, therefore, been passed without due consideration of the relevant material and in violation of the principles of natural justice. In these circumstances, the impugned refusal order cannot be sustained in law and is liable to be set aside.

18. As regards the objection to the maintainability of the present writ petition on the ground of availability of an alternative statutory remedy under Section 18 of the NCTE Act, 1993, the Hon'ble Supreme Court, in **Rikhab Chand Jain v. Union of India, 2025 SCC OnLine SC 2510**, has reiterated the settled position of law concerning the exercise of writ jurisdiction despite the availability of an alternative statutory remedy. The Hon'ble Supreme Court has observed that the rule requiring the exhaustion of an alternative remedy is a self-imposed restriction on the exercise of writ jurisdiction and does not constitute an absolute bar. The relevant paragraph of the judgment reads as under:

"7. Decisions of this court are legion from which guidance can aptly be drawn as to when a writ petition ought to be entertained despite the party approaching the High Court not exhausting the alternative statutory remedy available to him/her/it. Insistence by the courts both this court and the High Courts of exhaustion of a statutory remedy provided by an enactment before invoking the writ jurisdiction of a High Court under article 226 of the Constitution can be traced to one of several self-imposed restrictions, laid down by judicial precedents of this court. Unless, of course, any



of the exceptions (challenge to an act/order grounded on (i) breach of a fundamental right; (ii) violation of natural justice principles; (iii) lack of jurisdiction; and (iv) unconstitutionality of a statute) is satisfied, that a writ court may refuse to entertain a writ petition does not admit of any doubt. This court relying on a host of decisions including State of U.P. v. Mohammad Nooh [1957 SCC OnLine SC 21; AIR 1958 SC 86.] and Titaghur Paper Mills Co. Ltd. v. State of Orissa [(1983) 53 STC 315 (SC); (1983) 142 ITR 663 (SC); (1983) 2 SCC 433; 1983 SCC (Tax) 131; 1983 SCC OnLine SC 102.] has, in Godrej Sara Lee Ltd. v. Excise and Taxation Officer-cum-Assessing Authority [(2023) 109 GSTR 402 (SC); 2023 SCC OnLine SC 95.], reiterated that availability of an alternative statutory remedy does not oust the jurisdiction of a writ court. It was also explained how "entertainability of a writ petition" is a concept distinct from the concept of "maintainability of a writ petition".

(Emphasis added)

19. In view of the aforesaid judgment, I am of the view that, although Section 18 of the NCTE Act, 1993 provides for a statutory appellate remedy, the availability of such remedy does not preclude this Court from exercising its jurisdiction under Article 226 of the Constitution of India in the facts of the present case. The decision-making process is itself vitiated on



account of a violation of the principles of natural justice, as the impugned refusal order has been passed without due consideration of the replies submitted by the petitioners.

20. Accordingly, the impugned refusal order dated 01.10.2026 passed by the ERC is hereby quashed. The matter is remanded to the ERC with a direction to conduct an inspection of the petitioner institute within a period of four weeks from today. A copy of the inspection report shall also be furnished to the petitioner institute.
21. Upon completion of the inspection, the ERC shall process the petitioners' application in accordance with law and the applicable Standard Operating Procedure. In the event any further information, clarification or documentation is required from the petitioner institute, the ERC shall duly communicate the same to the petitioner institute, which shall furnish its response within the time stipulated by the ERC.
22. The ERC shall thereafter consider the replies and documents submitted by the petitioners, along with the findings of the inspection, and pass a reasoned and speaking order deciding the petitioners' application for recognition of the M.P.Ed. course within a period of three months from today.
23. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

OCTOBER 14, 2026/sp

(corrected and uploaded on 16.10.2026)