

(2026) 07 DEL CK 0243

In the Delhi High Court, Principal Bench, New Delhi

Case No : CONT.CAS(C) 1030/2024, CM APPL.24355/2026

Prof Pawan Kumar Sharma & Anr.

APPELLANT

Vs

Ms Pooja Sharma Dy Secretary Vigilance

RESPONDENT

Date of Decision : 01-07-2026

Acts Referred:

NCTE Regulation Act 2005, 2007 and 2009

CCS (Conduct Rules) 1964 — Rule 3 (1) (i), 3 (1) (ii), 3 (1) (iii)

CCS (CCA) Rules, 1965

Citation : (2026) 07 DEL CK 0243

Hon'ble Judges : Sachin Datta, J

Bench : Single Bench

Advocate : Ms. Rashmi Chopra (Sr. Adv) along with Mr. Puneet Rathi, Mr. Mohd. Shahrukh Qureshi, Advs., Mr. Kshitiz, Adv. for R1, Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra, Mr. Vibhu Sharma, Advs.

Final Decision : Disposed Of

Judgement

1. The present petition has been filed by the petitioners alleging wilful disobedience/ non-compliance with the directions contained in the order dated 26.07.2023 passed by this Court in W.P.(C) 7416/2022 titled "*Prof. Pawan Kumar Sharma and Ors. Vs. Union of India and Ors.*". The operative directions contained therein are reproduced hereunder:

"6. Further, the respondents are directed to furnish within two weeks to the petitioners, electronic copies of the available videographies along with an affidavit in terms of the tabulation handed over in Court. Taking into account the time being granted to the respondents for furnishing copies of the videographies to the petitioners, the petitioners will be entitled to furnish their reply to the memorandum dated 08.12.2021 within four weeks time from the date they receive the affidavit from the respondents in terms of this order."

2. The petitioners, by way of the present petition, seek the following reliefs:

"(a) initiate contempt proceedings against the Respondent for violating the order dated 26.07.2023 passed by the Hon'ble Court with costs;

(b) direct the Respondent to provide 94 CDs readable at present along with the complete list of 94 TEIs of the inspection carried out in the year 2007-2008 and then in the year 2010-2011 as per the NCTE Regulation Act 2005, 2007 and 2009 along with an affidavit in terms of the directions of the Hon'ble Court dated 26.07.2023 read with order dated 30.05.2022;

(c) direct the respondent to also file its response to show what action is taken against the errant officers/ officials responsible for the missing of official files/ records and mishandling of CDs and prevent harassing the petitioners without any fault of them;

(d) pass any or such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

FACTUAL MATRIX

3. The present matter arises in the context of a chequered factual background. The same is briefly set out hereunder.

4. *Vide* order dated 13.05.2011 passed in SLP (C) 4247- 4248/ 2009, the Supreme Court constituted the Justice Verma Committee (hereinafter referred to as "JVC") to *inter-alia* examine the grant of recognition to a large number of Teacher Education Institutions (hereinafter referred to as "TEI") by WRC, Bhopal.

5. On the basis of the aforesaid, the Deputy Secretary (Vigilance), NCTE, issued Memoranda bearing No. NCTE-Vign012/9/2017-Vigilance Section-HQ, dated 08.12.2021 upon the petitioners on the allegation that there were irregularities in respect of recognition of 249 Teacher Education Institutions (TEIs) in the State of Maharashtra, which were found to be deficient in compliance with the NCTE Regulations.

6. By way of the said Memoranda, the petitioner no.1 [the then Under Secretary and Regional Director (incharge), WRC] and the petitioner no.2 [the then Section Officer, WRC] were asked to show cause as to why major penalty proceedings should not be instituted against them. The said Memoranda are reproduced hereinbelow:

"NCTE-Vign012/9/2017-Vigilance Section-HQ

National Council for Teacher Education

Sector, 10 Dwarka, New Delhi

Vigilance Division

Dec, 2021

MEMORANDUM

The Hon'ble Supreme Court appointed High-Powered Commission under the Chairmanship of Hon'ble Justice (Retd.) J.S. Verma to examine the matter relating recognition given by Western Regional Committee (WRC) to Teacher Education Institutions in Maharashtra during its 104th-109th meetings held in 2008.

2. The Justice Verma Commission submitted its report in August, 2012 and the same was accepted by the Hon'ble Supreme Court of India and Govt. of India.

3. The Justice Verma Commission during groundwork Inspected Teacher Education

Institutions (TEIs) in the state of Maharashtra. As per the Commission, 249 TEIS were found deficient in compliance of NCTE Regulations and the Commission suggested for their Immediate closure.

4. In this regard, NCTE vide Order dated 08.07.2019, constituted an Internal Committee to conduct preliminary investigation and identify the erring officers/officials of WRC, NCTE so that responsibility may be fixed and appropriate action may be initiated against the culpable officers/officials for committing such gross misconduct. The Internal Committee headed by Dr. Prabhu Kumar Yadav, the then Deputy Secretary and Chairman of the Internal Committee submitted the partly completed report on 29.02.2020 (copy enclosed). Subsequent to retirement of Dr. Prabhu Kumar Yadav on superannuation, the Internal Committee was headed by Dr. Akhil Kumar Shrivastava, Under Secretary, NCTE. The Internal Committee submitted the final report (Copy enclosed) on 14.10.2021.

5. The Reports submitted by the of the Internal Committee has inter-alia identified following officers/officials of NCTE who are responsible regarding irregularities in respect of recognition of TEIs as pointed out by Justice Verma Commission:

- a. Dr. O.V.S. Sikarwar, the then Regional Director, WRC.*
- b. Dr. Pawan Kumar Sharma, the then Under Secretary and Regional Director (Incharge), WRC.*
- c. Sh. N. K. Sharma, the then Section Officer, WRC.*
- d. Sh. Parvinder Singh, the then Section Officer, WRC.*
- e. Smt. Mamta Patel, the then Lower Division Clerk, WRC.*
- f. Sh. Samueal George, the then Under Secretary, WRC*
- g. Sh. Krishna Prasad MSR, the then Under Secretary, WRC*
- h. Sh. D.N. Jha, Assistant, WRC*
- i. Sh. Bansidhar Mohapatra, the then Section Officer, WRC*

6. It has been observed that the recognition has been given to ineligible Institutes due to carelessness and negligence act of above officers which amount to dereliction of assigned duties, and defiance of allotted work.

7. It has further been observed that due to negligent act, lack of devotion to duties and casual approach, Dr. Pawan Kumar Sharma, the then Under Secretary and Regional Director (Incharge), WRC has put the NCTE in a very embarrassing situation.

8. By the above act, Dr. Pawan Kumar Sharma, the then Under Secretary and Regional Director(Incharge), WRC has failed to maintain devotion to duty and committed grave misconduct, and thus violated the provisions of Conduct Rule 3 (1) (i), Rule 3 (1) (ii), Rule 3 (1) (iii) CCS (Conduct Rules) 1964.

Now Therefore, Dr. Pawan Kumar Sharma, the then Under Secretary and Regional Director (Incharge), WRC is show caused, as to why Major penalty proceeding should not be initiated against him. His explanation should reach to the undersigned within 15 days falling which it will be assumed that he has nothing to say and action as deemed fit will be initiated against him under CCS (CCA) Rules, 1965. In this regard, a copy of the Justice Verma Commission Report (Volume 2) containing details about irregularities and Internal Committee report is enclosed. This issues with the approval of Competent Authority.

Sd/-

*Neelam Sharma
Deputy Secretary (Vig.)*

To Dr. Pawan Kumar Sharma, the then Under Secretary and Regional Director (Incharge), WRC. Now Head of Political Science Department Chaudhary Charan Singh University, Meerut, Uttar Pradesh-250001.

Copy for information to :

1. PS to Chairperson, NCTE
2. Section Officer to Member Secretary, NCTE."

"NCTE-Vign012/9/2017-Vigilance Section-HQ

National Council for Teacher Education

Sector, 10 Dwarka, New Delhi

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5. The Reports submitted by the of the Internal Committee has inter-alia identified following Officers/Officials of NCTE responsible regarding irregularities in respect of recognition of TEI's as who pointed out by Justice Verma Commission:

- a. Dr. O.V.S. Sikarwar, the then Regional Director, WRC.
- b. Dr. Pawan Kumar Sharma, the then Under Secretary and Regional Director (Incharge), WRC.
- c. Sh. N. K. Sharma, the then Section Officer, WRC.
- d. Sh. Parvinder Singh, the then Section Officer, WRC.
- e. Smt. Mamta Patel, the then Lower Division Clerk, WRC.
- f. Sh. Samuel George, the then Under Secretary, WRC
- g. Sh. Krishna Prasad MSR, the then Under Secretary, WRC
- h. Sh. D.N.Jha, Assistant, WRC

i. *Sh. Bansidhar Mohapatra, the then Section Officer, WRC*

6. *It has been observed that the recognition has been given to ineligible institutes due to carelessness and negligence act of above officers which amount to dereliction of assigned duties, and defiance of allotted work.*

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This issues with the approval of Competent Authority.

Neelam Sharma

Deputy Secretary (Vig.)

To Sh. N. K. Sharma, Under Secretary, NCTE.

Copy for information to:

1. PS to Chairperson, NCTE

2. Section Officer to Member Secretary, NCTE."

7. A perusal of the aforesaid Memoranda dated 08.12.2021 shows that the allegations against the petitioners arise from their involvement in the inspection process undertaken during the years 2007-08, pursuant to which recognition/ approval came to be granted to the concerned TEIs. According to the respondent/ NCTE, subsequent inspections conducted by the JVC revealed that the grant of such recognition/approval was untenable. It is these allegations that form the very basis of the aforesaid Memoranda.

8. Thereafter, the petitioners, in order to submit their response to the said Memoranda / Show Cause Notices, requested the respondent/ NCTE to provide them with the copies of the requisite regulatory files on the basis of which the Memoranda / Show Cause Notices were issued to them. Pursuant thereto, a Memorandum dated 31.03.2022 came to be issued by the NCTE to the petitioners, which reads as under:

[An exhibit is reproduced here in the original judgment.]

9. Thereafter, since the respondent/ NCTE had failed to furnish the necessary regulatory files even after repeated requests, the petitioners were constrained to institute W.P.(C) 7416/2022, wherein, the following reliefs were sought:

10. Taking note of the petitioners' grievance that they were unable to effectively

respond to the Memoranda dated 08.12.2021 in the absence of the underlying records, this Court disposed of W.P.(C) 7416/2022, *vide* order dated 30.05.2022, by directing the NCTE to furnish copies of all the 249 files referred to therein. The Court in paragraph-6 of the said order, further directed the inquiry proceedings to be deferred until the said files were supplied to the petitioners. The said order reads as under:

[An exhibit is reproduced here in the original judgment.]

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11. Thus, in terms of the aforesaid order, the NCTE was obligated to furnish the requisite records to the petitioners so as to enable them to effectively and meaningfully respond to the allegations forming the subject matter of the Memoranda dated 08.12.2021.

12. Thereafter, on 09.10.2022, CM APPL. 44079/2022 came to be filed by the NCTE, seeking clarification/ modification of the aforesaid order dated 30.05.2022 to proceed with the inquiry against the petitioner *qua* 246 regulatory files which had ostensibly been furnished to the petitioners.

13. On 07.12.2022, CM APPL. 53279/2022 came to be filed by the petitioners, seeking *inter alia* the exact and comprehensive copies of the 246 regulatory files which had been provided to them, the videographies of the inspections, and copies of the NCTE regulations.

14. Eventually, *vide* order dated 26.07.2023, the said applications were disposed of, wherein this Court, *vide* paragraph – 6 of the said order, directed the NCTE to furnish the electronic copies of the available videographies to the petitioners, along with an affidavit. The said order reads as under:

15. A perusal of the aforesaid order dated 26.07.2023 shows that NCTE was directed to furnish to the petitioners electronic copies of all available videographies pertaining to the inspections in question. The direction came to be issued in the backdrop of NCTE's own stand that, out of the 246 instances in respect of which allegations had been levelled against the petitioners, videographies were available only in respect of about 119 inspections, and that too only a limited number thereof were found to be readable.

16. Pursuant to the directions contained in paragraph – 6 of the said order, on 08.08.2023, an affidavit came to be furnished by the NCTE. The same reads as under:

[An exhibit is reproduced here in the original judgment.]

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17. It is pertinent to note that the aforesaid affidavit proceeds on the basis of the availability of "readable CDs". While paragraph 2 refers to the number of readable CDs available in respect of the inspections conducted in 2007-08,

paragraph 3 records the position regarding the readable CDs in respect of the inspection conducted in 2010-2011. More importantly, paragraph 4 unequivocally states that electronic copies of the available videographies had already been supplied to the petitioners.

18. On 05.07.2024, the petitioners filed the present contempt petition alleging non-compliance with the directions contained in the order dated 26.07.2023 passed by this Court in W.P.(C) 7416/2022.

19. In order to ascertain the precise nature and extent of the material available with NCTE, this Court, *vide* order dated 08.07.2024 passed in the present proceedings, directed that the entire digital data proposed to be furnished to the petitioners be produced before this Court along with relevant details in a tabular format. The respondent was further directed to file an affidavit indicating the contents of each CD pertaining to the inspections of the concerned institutions.

20. In compliance with the aforesaid directions, the respondent filed an affidavit wherein it was, *inter-alia*, stated that petitioner no.2 had since been prematurely retired under FR 56(j) and in view of such retirement, petitioner no.2 was not required to furnish any response to the Show Cause Notice issued against him.

21. Thereafter, *vide* order dated 17.03.2026 passed in the present proceedings, this Court directed an independent IT Expert to carry out the exercise of identifying the readable data supplied to the petitioner, and accordingly, place an affidavit on record. On 13.04.2026, the said report was placed on record before this Court.

SUBMISSIONS ON BEHALF OF THE PARTIES

22. Learned counsel for the petitioners contends that despite the directions issued by this Court, the respondent failed to furnish the complete records and videographies forming the basis of the allegations contained in the Memoranda dated 08.12.2021. It is submitted that the non-supply of the underlying material has caused serious prejudice to the petitioners and deprived them of an effective opportunity to respond to the allegations levelled against them.

23. It is further contended that although the respondent subsequently furnished electronic copies of certain videographies, a substantial number thereof were either unreadable, inaccessible or unrelated to the inspections in question. According to the petitioners, the material so supplied was returned to the respondent as it did not constitute meaningful compliance with the directions issued by this Court. It is submitted that notwithstanding these deficiencies, the respondent continued to call upon the petitioners to furnish their replies to the Memoranda dated 08.12.2021, and threatened consequential actions.

24. Per contra, learned counsel for the respondent submits that there has been complete compliance with the directions contained in the order dated 26.07.2023. It is contended that although the respondent was not relying upon

the inspection videographies in the disciplinary proceedings, the available videographies were nevertheless furnished to the petitioners in compliance with the directions passed by this Court.

25. It is further submitted that, as recorded in the order dated 26.07.2023 itself, videographies were available only in respect of a limited number of institutions and that only a certain number thereof were found to be readable. According to the respondent, the direction issued by this Court was confined to furnishing the available videographies, and no direction was issued requiring the respondent to produce material that was admittedly unavailable.

26. Learned counsel further submits that the petitioners are seeking to reagitate issues which stood specifically left open by the order dated 26.07.2023. It is submitted that the petitioners' contention that the non-availability of videographies would itself exonerate them was expressly not examined by this Court and was left to be urged in appropriate proceedings.

27. It is lastly submitted that pursuant to the subsequent directions issued by this Court, an independent IT expert was appointed to examine and identify the relevant and readable data. The report submitted by the said expert demonstrates that a substantial part of the videographic material remains accessible and operational.

ANALYSIS AND CONCLUSION

28. In the above factual backdrop, the principal issue that arises for consideration is whether the respondent has complied with the directions contained in the order dated 26.07.2023 passed by this Court in W.P.(C) 7416/2022, requiring them to furnish to the petitioners electronic copies of the available videographies pertaining to the inspections forming the basis of the allegations levelled against them.

29. It is relevant to note that the directions contained in the order dated 26.07.2023 were issued in the context of the disciplinary proceedings initiated against the petitioners pursuant to the Memoranda dated 08.12.2021. The purpose underlying the said directions was to ensure that the petitioners were furnished with the available material, *inter alia*, CDs/videographies directed to be supplied by this Court, so as to enable them to effectively respond to the allegations levelled against them.

30. It is noted that pursuant to the order dated 08.07.2024 passed in the present proceedings, the respondent filed an affidavit stating that petitioner no.2 had since been prematurely retired under FR 56(j) and, consequently, was no longer required to submit a response to the Show Cause Notice issued to him.

31. Be that as it may, the controversy as regards the availability and supply of the relevant videographies continued to persist. It was in these circumstances that this Court, *vide* order dated 17.03.2026, directed an independent IT Expert

to undertake an exercise for identifying and verifying the readable data available with the respondent. The said order, *inter alia*, reads as under:

32. Subsequently, CM. APPL. 24355/2026 came to be filed by the respondent in the present proceedings, *inter alia*, enclosing the report of Sh. Manish Kumar Singh (IT Advisor) who conducted the exercise in terms of the directions contained in the aforesaid order dated 17.03.2026.

33. A perusal of the aforesaid report reveals that none of the CDs/videographies pertaining to the inspections conducted during the year 2007-08 were found to be readable or operational.

34. The aforesaid position appears to be at variance with the affidavit dated 08.08.2023 (as reproduced above), filed by the NCTE pursuant to the order dated 26.07.2023 passed in W.P.(C) 7416/2022. The inconsistency becomes more apparent when viewed alongside the respondent's subsequent stand regarding the number of readable videographies available in respect of the inspections conducted in the year 2010-11. It has been specifically stated in the written synopsis filed on behalf of the respondent as under:

35. The record clearly discloses serious incongruity and inconsistency as regards the availability and readability of the videographic material pertaining to the inspections of the concerned TEIs. As noticed, these inspections constitute the very foundation of the allegations levelled against the petitioners in the Memoranda dated 08.12.2021. The inconsistency in the stands taken by the respondent regarding the availability of the relevant videographic material, coupled with the findings recorded in the report of the IT Advisor, further underscores the uncertainty surrounding the underlying record.

36. As noticed, in the affidavit dated 08.08.2023, the following categorical averments were made by the respondent with regard to the inspections held in the year 2007-08:

"2. It is submitted that the inspection in the above said 246 files were conducted in the year 2007-2008 and the details are being given in tabular form:-

Inspection made in the Year 2007-2008

Total No. of Files Check B-1 to B-249	246
No. of Readable CDs in 2008	149
No. of Not Readable CDs in 2008	4
No. of Damaged CDs in 2008	29
No. of CD/Cassette not available in the file year 2008	61
Not found any type of data in CD 2008	1

No. of cassettes found in 2008	2
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37. Therefore, while the affidavit dated 08.08.2023 proceeded on the basis that readable videographies were available in respect of the inspections conducted during 2007-08, the report of the IT Advisor furnished pursuant to the order dated 17.03.2026 passed in the present proceedings, indicates that none of the CDs/ videographies pertaining to the said period were found to be readable or operational. Similar inconsistencies are also discernible with respect to the CDs/ videographies relating to the inspections conducted in the year 2010-11.

38. In these circumstances, this Court is constrained to observe that the non-availability of this basic record seriously impinges upon the petitioners' ability to effectively respond to the allegations forming the subject matter of the Memoranda dated 08.12.2021.

39. It is noticed that paragraph-3 of the order dated 26.07.2023 in W.P.(C) 7416/2022 specifically records the contention of the petitioners that non-availability of the relevant data/videographies is by itself a ground to exonerate the petitioners in respect of the allegations levelled against them. While this Court did not examine the merits of that contention, it expressly observed in paragraph-4 of the said order that the petitioners would be at liberty to urge such plea in appropriate proceedings.

40. Necessarily, the sheer disarray/chaos as regards a substantial part of the relevant record is a circumstance that has a crucial bearing and would require due consideration by the competent authorities while taking a final view in the proceedings initiated pursuant to the Memoranda dated 08.12.2021.

41. The petitioners shall remain at liberty to raise all contentions in respect of the aforesaid aspect, and if such contentions are raised, the same shall be duly considered in accordance with law, taking note of the observations made in the order dated 26.07.2023 and in the present order. Moreover, the difficulty/inability in furnishing the relevant record to the petitioners shall also be necessarily taken into account.

42. Insofar as petitioner no.2 is concerned, if the allegations contained in the Memoranda dated 08.12.2021 have been taken into account while passing the order under FR 56(j), it shall be open to the said petitioner to urge all pleas as may be available in law, in any pending proceeding/s where such action has been impugned.

43. As regards the prayer for initiation of contempt proceedings, despite the said state of affairs as regards (non) availability of relevant records, this Court is not persuaded to hold that the respondent has acted in deliberate or wilful disobedience of the order dated 26.07.2023. The material on record indicates that the difficulties in furnishing the videographic material stem from issues relating to its availability, preservation and readability. In the absence of any material demonstrating conscious or intentional disregard of the directions issued

by this Court, the ingredients necessary for invoking contempt jurisdiction cannot be said to have been established. However, the respondent shall be bound to duly account for the consequences flowing from the non-availability of the relevant record in any pending/ future departmental or administrative proceedings concerning the petitioners. The petitioners shall be entitled to raise all pleas in this regard, which shall be considered on their own merits and in accordance with law.

44. The present petition stands disposed of in the above terms. Pending application also stands disposed of.