
(2025) 06 KL CK 0873

In the High Court Of Kerala

Case No : Writ Petition (C) No. 17822 Of 2025

Secretary Cum Manager

APPELLANT

Vs

National Council For Teacher Education

RESPONDENT

Date of Decision : 11-06-2025

Acts Referred:

National Council for Teacher Education (NCTE) Act, 1993 — Section 32

Citation : (2025) 06 KL CK 0873

Hon'ble Judges : D. K. Singh, J

Bench : Single Bench

Advocate : Nisha George, George Poonthottam, Kavya Varma M. M, Dr. Abraham P. Meachinkara

Final Decision : Allowed

Judgement

D. K. Singh, J

1. Heard Mr. George Poonthottam, the learned Senior Counsel, assisted by Ms. Shilpa Sreekumar for the petitioner College and Mr. Abraham P. Meachinkara, the learned Standing Counsel for the National Council for Teacher Education (NCTE).

Facts:

2. The petitioner College is an autonomous college, recognised by the State Government and affiliated to the University of Calicut. The petitioner College has been accorded 'Minority' status, recognised by the National Minority Commission. The petitioner College imparts twenty undergraduate courses and seven postgraduate courses under the self-financing scheme. The petitioner College has also been accorded an 'A' grade NAAC accreditation. Under the National Education Policy 2020, significant changes have been brought in the teacher education programme. The National Council for Teacher Education/ the first respondent had published the Regulations framed under Section 32 of the National Council for Teacher Education (NCTE) Act, 1993, providing the norms and standards for the establishment of teachers' education institutions by

amending the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations 2014.

2.1 The amended Regulations had been published on 22.10.2021. A public notice was issued on 05.02.2024 for the transition from the four-year integrated programme, seeking to be implemented by inviting applications for transition from the Colleges, which had been granted recognition for the four-year integrated programme. The last academic session for admission to the four-year integrated programme was 2024-

25. The time fixed for submission of applications for the integrated B.Ed. programme was 05.03.2024, which was extended up to 31.05.2024. On 18.05.2024, the petitioner College applied for the fourth phase of the integrated teacher education programme for the Academic Year 2025-26. The said policy was the subject matter of challenge before various High Courts. However, the said challenge was repelled, and the writ petitions were dismissed.

3. A notice of inspection was issued through e-mail by the first respondent/NCTE. On inspection, being satisfied about the institution and infrastructure, a letter of intent dated 03.04.2025 was issued to the petitioner College for the Academic Year 2025-26 for grant of recognition for offering Integrated Teacher Education Programme (ITEP) under Regulation 7(13) of the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations 2014. The provisional letter of intent dated 03.04.2025 issued to the petitioner also listed out certain documents to be submitted through online mode within 60 days from the date of issue of the letter of intent for granting the Formal Recognition. Paragraph 3 of the letter of intent dated 03.04.2025 reads thus:

"3. Before the grant of Formal Recognition, you are required to submit the following documents through online mode within the stipulated period of 60 days from the date of issue of this Letter of Intent:

i. The institution shall submit the list of faculties having the required qualification as per NCTE Regulations 2014 for the proposed course duly approved by the concerned affiliating body.

ii. The institution shall launch its own website with a hyperlink to the NCTE website, uploading the required information/documents as per clause 7(14) of the NCTE Regulations 2014 as amended from time to time and furnish the evidence in this regard.

iii. The institution shall maintain the required endowment and reserve fund converted in the joint operation in the name of the institution and the regional Director of the concerned Regional Committee as per clause 7(16) of NCTE Regulations 2014."

It was also provided that admissions should not be made until the Recognition Order under Regulations 7(16) of the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations 2014 is issued by the Southern

Regional Committee.

3.1 The petitioner supplied all the documents as desired in the letter of intent well within time. The petitioner College, however, has been issued the Recognition Order dated 01.05.2025 in Ext.P12 from the Academic Session 2026-27 under Clause 7(16) of the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations 2014 as amended from time to time for conducting the following courses under the ITEP:

Sr. No.	Discipline	Stage(s)	Intake	Duration of the program
1	B.Com. B.Ed	Secondary	1 unit	(50 seats per unit) 4 Year
2	BA B.Ed.	Preparatory	1 unit	(50 seats per unit) 4 Year
3	B.Sc. B.Ed.	Middle	1 unit	(50 seats per unit) 4 Year

4. The writ petition has been filed by the petitioner College inter alia for a writ of mandamus commanding the respondents to declare the petitioner College to have been accorded recognition for the Academic Year 2025-26 and include the said College in the list of eligible institutions for the admission/allotment process for the Academic Year 2025-26. This Court, vide Order dated 02.06.2025, passed the following orders:

"...

3. The petitioner college is intending to offer Integrated Teacher Education Programme (ITEP) in Bachelor of Education (B.Ed.), a four-year integrated programme. The petitioner made an application for approval and recognition of the said course for the academic year 2025-2026 and made the application on 18.05.2024, which is well within time as per the schedule prescribed by the NCTE for making the application seeking approval and affiliation. The said application was processed, and on 16.10.2024, the petitioner was issued with a show cause notice pointing out the defects in the application. As per the time schedule prescribed by the Supreme Court in its judgment in "Maa Vaishnoo Devi Mahila Mahavidyala v. State of UP and others [2013(2) SCC 617]," the NCTE is obliged to issue notice on the application within a period of 45 days from the date of receipt of the application (Paragraph 87 of the said judgment). Thus, the notice to the petitioner regarding the defect was issued after a delay of 3 and 12 months instead of a notice within period of 45 days, it was issued after five months i.e., 16.10.2024. The affidavit filed on behalf of the respondent's counsel does not explain in any manner about the inordinate delay in issuing the show cause notice to the petitioner for removing the defects in the application. The NCTE itself has violated the time schedule as prescribed by the Supreme Court in its judgment in "Maa Vaishnoo Devi Mahila Mahavidyala (supra)". This inordinate delay of 3 and ½ months, as per the time prescribed for issuing the show cause

notice in (Paragraph 87 of the judgment) led to a delay in subsequent action, and the approval came on 01.05.2025.

4. It is also relevant to mention here that the letter of intent issued by the NCTE dated 03.04.2025 was for the academic year 2025-2026. Though, as per the judgment, the last date for approval is 03.03.2025, but the letter of intent was also issued on 03.04.2025, violating the date of 03.03.2025(as per paragraph 87 of the judgment). The final order approving the course was for the academic year 2026-2027.

5. The member Secretary of the respondent counsel is directed to file his personal affidavit, explaining the inordinate delay in issuing the show cause notice to the petitioner for removing the defect in the application and when the petitioner was not responsible at all for this inordinate delay of 3 and 12 months in issuing the notice to him for removing the defect, how the Council (NCTE) has issued the approval dated 01.05.2025 for the academic year 2026-2027, though the letter of intent was for the academic year 2025-2026.

6. The counter affidavit filed on behalf of the NCTE falls short of the requisite details and the consequences if there is a delay on the part of the NCTE. When there is a delay on the part of the NCTE, can the institute be penalised for the delay caused in sending the communication for removing the defect in violation of the time scheduled prescribed by the Supreme Court in its judgment in "Maa Vaishnoo Devi Mahila Mahavidyala (supra)". The affidavit must be filed before the next date of posting of this writ petition, failing which the Member Secretary of the NCTE shall remain present before this court on the next date of posting of this writ petition to answer the questions raised by this court in this writ petition. It is made clear that in the meantime, the academic year 2026- 2027 mentioned in the approval letter dated 01.05.2025 should be read as academic year 2025-2026 for admissions in the college for the said course."

Discussion:

5. Mr Abraham P Meachinkara, learned Counsel representing the respondent/ National Council for Teacher Education, has submitted that the Supreme Court in Maa Vaishnoo Devi Mahila Mahavidyala v. State of UP (2013) 2 SCC 617 had prescribed the following schedule upon the cumulative reading of the Regulations and judgments in this Court in relation to recognition and affiliation. Paragraph 87.1 of the said judgment reads as follows:

"87.1 Schedule for Recognition and Affiliation

87.01.01

Submission of applications for recognition in terms of Regulation 5(4)

1st September to 1st October of the year immediately preceding the relevant academic year

87.01.02

Communication of deficiencies, shortcomings or any other discrepancy in the application submitted by the applicant to the applicant in terms of Regulation 7(1)

Within 45 days from the date of receipt of the applications

87.01.03

Removal of such deficiencies by the applicant

Within 60 days from the date of receipt of communication

87.01.04

Forwarding of copy of the application to the State Government/ UT Administration for its recommendations/ comments in terms of Regulation 7(2)

Within 90 days from the date of receipt of the application

87.01.05

Recommendations/ comments of the State Government/ UT Administration to be submitted to the Regional Committee under Regulation 7(3)

Within 30 days from the date of issue of letter to it

87.01.06

If recommendations/ comments are not received within 30 days, the Regional Committee shall send to the State Government/ UT Administration a reminder letter for submission of the recommendations/ comments

Within seven days from the date of expiry of the period of 30 days

87.01.07

State Government/ UT Administration shall furnish the recommendations/ comments

Within 15 days from the date of receipt of such reminder letter

87.01.08

Intimation regarding inspection by the Regional Committee to the applicant under Regulation 7(4)

Within 10 days from final scrutiny of the application

87.01.09

Report by the Inspection Committee under Regulation 7(5)

20 days thereafter

87.01.10

Letter of intent to the institution with respect to the grant or refusal of recognition in terms of Regulation 7(9)

10th of February of the succeeding year/ relevant year

87.01.11

Time to comply with certain specified conditions, in terms of Regulations 7(10) and 7(11)

20 days from the date of issuance of the letter of intent

87.01.12

Issuance of a formal order of recognition

By 3rd March of each year

87.01.13

Last date for submitting the proposal for affiliation

By 10th March of each year

87.01.14

Forwarding of proposal by the University to the State Government/ UT Administration after inspection by expert team

By 10th March of each year

87.01.15

Comments to be submitted by the State Government/ UT Administration, if any

By 10th March of each year

5.1 As per the said judgment, in the present case, the formal order of recognition for the current Academic Year should have been issued on or before 03.03.2025, and the final date for issuance of affiliation for the relevant academic year should be 10.03.2025. Any affiliation or recognition granted after the aforesaid cut-off date shall only be valid for the Academic Year 2026-27. Here, the Recognition Order is issued by the first respondent/ NCTE on 01.05.2025.

6. In the additional affidavit filed on behalf of the respondent, the delay in issuing the recognition to the petitioner College for offering ITEP has been explained in paragraph 2, thus: A total of 87 fresh applications for ITEP and 39 applications for transition into ITEP were received by the SRC, the second respondent. The petitioner Institution submitted its application for consideration on May 18, 2024. However, the SRC took considerable time to scrutinise all

applications. Consequently, the petitioner's application could not be taken up for consideration during the 441st, 442nd, and 443rd meetings of the SRC due to a paucity of time. The petitioner's application was finally considered at the 444th meeting of the SRC, which then issued the first show cause notice to the petitioner on 16.10.2024. As the reply to this notice was not received by the 445th meeting of the SRC, it could not be addressed. The reply to the first show cause notice was eventually received on 29.10.2024. During October and November 2024, the Regional Director was on medical leave. Mr. Ravinder Singh took charge as Regional Director on 19.11.2024, and subsequently, the petitioner's application was forwarded for further processing on 20.11.2024. At the 447th meeting of the SRC, after scrutinizing the reply to the first show cause notice, a second show cause notice was issued on 26.12.2024. The petitioner submitted their reply to the SRC on 07.01.2025. During the 450th meeting, this reply was scrutinized, and a decision was made for an inspection of the Institution. A virtual inspection was conducted, and the inspection report was submitted on 25.12.2025. Finally, at the 453rd meeting of the SRC, a letter of intent dated 03.04.2025 was issued to the petitioner college. Subsequently, during the 458th meeting of the SRC, the final recognition order for the academic year 2025-2026 was issued to the petitioner college on 01.05.2025.

Analysis:

7. This Court has considered the judgment of the Supreme Court in *Maa Vaishnoo Devi Mahila Mahavidyala* (supra). Admittedly, the respondents have not adhered to the timeline prescribed in the said judgment for granting recognition and affiliation to the petitioner-College. The communication of deficiency has been issued after three and a half months, as noted in the interim order. The petitioner-College has always been prompt in applying on time and removing the defects, as pointed out, was well within the time frame prescribed by them.

7.1 When the first respondent/ NCTE itself has not adhered to the timeline prescribed in *Maa Vaishnoo Devi Mahila Mahavidyala* (supra), the NCTE cannot put the blame on the petitioner College for no fault of theirs. It is also relevant to mention here that the letter of intent was issued for the Academic Year 2025-26, and the Final Recognition has been issued for the Academic Year 2026-27, which also defies any logic and reason.

7.2 If the first respondent /NCTE is not manned effectively and efficiently by competent persons, the Colleges that have completed all the formalities as required well within time cannot be made to suffer. This Court is not at all impressed by the affidavits filed on behalf of the respondents as well as the submissions advanced by the learned Counsel for the NCTE, who tried to persuade this Court with eloquence by making elaborate submissions on the reasons for the delay caused in granting recognition. The learned Counsel has not been able to repel the contentions of the learned Senior Counsel for the petitioner College that the blame for the delay in issuing the recognition order on 01.05.2025 squarely lies on the first respondent / NCTE and not on the petitioner

College. Therefore, the petitioner-College cannot be made to suffer. It is also not in dispute that the result of the entrance examination has not been published, and the petitioner-College has all the requisite infrastructure for imparting ITEP for the Academic Session 2025-26.

7.3 Statutory bodies are required to be governed effectively and efficiently, and if they are not being governed effectively and efficiently, the Colleges which are seeking recognition and affiliation cannot be made to suffer. Nowhere in the counter-affidavit has anything been stated about the delay caused by the petitioner at any stage of the proceedings. The delay which has occurred is the result of the inefficient work of the respondents, which appears to be not being manned with competence and efficiency.

Conclusion:

8. In view thereof, the writ petition stands allowed. The impugned Recognition Order dated 01.05.2025 in Ext.P12 is to be treated for the Academic Year 2025-26, and the petitioner College is directed to be included in the eligible list of the Institutions for allotment of students for taking admission for ITEP for the Academic Year 2025-26. All Interlocutory Applications as regards interim matters stand closed. No order as to costs.