

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE ANAND SINGH BAHRAWAT

WRIT PETITION No. 26738 of 2025

LATE SURENDRA PRATAP SHIKSHA SAMITI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri M.P.S.Raghuvanshi – Senior Advocate with Shri Mohd. Amir Khan - Advocate for the petitioners.

Shri Ankur Mody – Additional Advocate General for the respondents No.1 and 2/ State.

Shri Rahul Yadav – Advocate for respondents No.3 and 4.

WRIT PETITION No. 20234 of 2025

VIDHYASUDHA WELFARE FOUNDATION SAMITI GWALIOR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri R.B.S.Tomar - Advocate for the petitioner.

Shri Ankur Mody – Additional Advocate General for the respondents No.1 and 2/ State.

Shri Rahul Yadav – Advocate for respondents No.3 and 4.

WRIT PETITION No. 18551 of 2025

**SMT. SHYAMA DEVI DEEN DAYAL BAHUDHESHIYA PRACHAR
PRASAR SAMITI GWALIOR AND OTHERS**

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri R.B.S.Tomar - Advocate for the petitioners.

Shri Ankur Mody – Additional Advocate General for the respondents No.1 and 2/ State.

Shri Rahul Yadav – Advocate for respondents No.3 and 4.

WRIT PETITION No. 48057 of 2025***VIKASH JATAV AND OTHERS****Versus****THE JIWAJI UNIVERSITY AND OTHERS*****Appearance:***Shri Alok Kumar Sharma – Advocate for the petitioners.**Shri Tapan Kumar Trivedi – Advocate for respondents No.1 and 2.***WRIT PETITION No. 48062 of 2025*****GIRRAJ NAGAR AND OTHERS****Versus****THE JIWAJI UNIVERSITY AND OTHERS*****Appearance:***Shri Alok Kumar Sharma – Advocate for the petitioners.**Shri Tapan Kumar Trivedi – Advocate for respondents No.1 and 2.***&****WRIT PETITION No. 48069 of 2025*****EKTA AGARWAL (GOYAL) AND OTHERS****Versus****THE JIWAJI UNIVERSITY AND OTHERS*****Appearance:***Shri Alok Kumar Sharma – Advocate for the petitioners.**Shri Tapan Kumar Trivedi – Advocate for respondents No.1 and 2.***ORDER****(Passed on this 4th day of February 2026)*****Per: Justice Anand Pathak***

Regard being had to the similitude of the issue involved, all the petitions were heard analogously and decided by this common order. For convenience's sake, facts of Writ Petition No.26738/2025 are taken into

consideration.

2. The present petition (Writ Petition No.26738/2025) under Article 226 of the Constitution is preferred by the petitioners seeking following reliefs:

- (i) That, the impugned order dated 02.07.2025 (Annexure P/1) and proceedings dated 05.05.2025 (Annexure P/2) and 09.05.2025 (Annexure P/3) be directed to be quashed.
- (ii) That, respondent University be directed to recommend for inclusion of name of petitioner institutes for participation in the ongoing counseling for B.Ed. course for the academic session 2025-26 on their sanctioned seats/intake in accordance with their order of recognition granted by the NCTE. Accordingly, the State Government may be directed to permit the petitioner institute to participate in the ongoing counseling and to grant the admission in accordance with law.
- (iii) That, other relief which is just and proper in the facts and circumstances of the case may also be granted.

3. It is the grievance of the petitioners that vide impugned order dt.02.07.2025, the affiliation of the petitioners institution of B.Ed. Course for the academic session 2025-26 has been put on hold on the basis of registration of criminal case so also recommendation of the Standing Committee dt.05.05.2025.

4. It is the submission of learned senior counsel for the petitioners that recognition has already been granted to the petitioners' institution by NCTE for running B.Ed. course vide recognition order dt.31.01.2017. Thereafter,

petitioner institution also applied for affiliation from respondent University, which has been continued upto session 2024-25. For the academic session 2025-26, petitioners' institutions applied for affiliation before the respondent University on which a team for inspection of the institutions was constituted. Inspection report of the committee was submitted before the University which was kept in the meeting dt.05.05.2025, on which date affiliation of the petitioners' institution was kept on hold for want of clarification with respect to recognition from the NCTE, Higher Education and STF. It is further submitted that merely on the basis of registration of criminal case by the STF against the petitioners college(s), their affiliation is kept on hold/rejected.

5. Learned counsel further submits that once the recognition has been granted by the National Council for Teacher Education Act, 1993 (hereinafter shall be referred to as the NCTE Act) by exercising powers under Section 14 of the NCTE Act, the respondents can not withhold/reject the affiliation. It is also submitted that the action of the respondents to withhold the affiliation of the petitioners' institutions on the ground of registration of criminal case is untenable because such ground is not related to eligibility of students or admission procedure. In support of his submissions, learned counsel relied upon the judgments of the Apex Court in the case of **Rungta Engineering College, Bhilai and another v. Chhattisgarh Swami Vivekanand Technical University and another (2015) 11 SCC 291** and **Nawab Shah Alam Khan College of Engineering v. Jawaharlal Nehru Technology University and**

others (2019) 16 SCC 391.

6. *Per contra*, learned counsel for the respondent University submits that Statute 27 Clause 10 lays down the mandatory procedure for inspection of colleges for the purpose of grant or continuation of affiliation. Affiliation can be granted only after inspection by a duly constituted committee and on the basis of its recommendation. Committee was constituted which submitted its report and the same was not satisfactory. It is further submitted that respondents received letter dt.08.05.2025 from NCTE, the contents of which were suspicious, therefore, asking its genuineness a letter was sent to NCTE on 31.5.2025 but no response is received so far. It is also submitted that criminal case has been registered by the STF, Bhopal against the petitioners institutions and the investigation is going on. In such a situation, the action of the respondents is just and proper. Learned counsel also relied upon the judgment of the Apex Court in the case of **Adarsh Shiksha Mahavidyalaya v. Subhash Rahangdale – (2012) 2 SCC 425** in support of his submission.

7. Shri Ankur Mody, learned Additional Advocate General appearing for the respondents/State supported the impugned action.

8. Petitioners/institutions are aggrieved by the order dt.02.07.2025 passed by the Registrar Jiwaji University, whereby question of affiliation was considered and rejected.

9. First and foremost ground mentioned in the impugned order is that Special Task Force Bhopal (Police) has registered a case under Section 420,

467, 468, 471, 120-B of IPC vide Crime No.6/2024, 7/2024, 8/2024, 9/2024, 10/2024 and 11/2024. Respondent University referred the letter dt.08.05.2025 of Assistant Inspector General of Police, STF, Police Headquarter, Bhopal, vide Annexure J-1, in which this fact is categorically mentioned and petitioner colleges are one of those colleges against whom criminal case is registered and is under investigation. Once criminal case is registered for various reasons, then this assumes importance while affiliation is being granted.

10. It was the submission of petitioners that NCTE has given them recognition vide letter dt.31.01.2017. However, said recognition order is subject to certain conditions which are enumerated in the aforesaid letter.

Conditions are as under :-

The institution shall comply with various other norms and standards prescribed in the NCTE regulations, as amended from time to time.

The institution shall make admissions only after it obtains affiliation from the examining body in terms of clause 8 (10) of the NCTE (Recognition Norms & Procedure) Regulations, 2014.

The institution shall ensure that the required number of academic staff for conducting the course is always in position.

The recognition is subject to fulfillment of other requirements as may be prescribed by other regulatory bodies like UGC, affiliating University/Body, State Government etc. as applicable.

The institution shall submit to the Regional Committee a Self – Appraisal Report at the end of each academic year along with annual statement of accounts duly audited by a Chartered Accountant.

11. Perusal of these conditions indicate that NCTE has given this recognition order subject to fulfillment of other requirements as may be prescribed by the other regulatory bodies like affiliating University as applicable. Here, University made an inspection and found severe irregularities. Therefore, exercising the power under the Statute 27, Clause 10 of Jiwaji University framed purportedly under different provisions of Madhya Pradesh Vishwa Vidyalaya Adhiniyam, 1973, it has been decided that physical inspection report of colleges were not at all satisfactory. They were bereft of necessary facilities including infrastructure.

12. One more glaring and important ground raised by the respondent University in its reply is that when University sent a letter dt.28.04.2025 to NCTE Delhi about the status of recognition of these colleges, then a letter dt.08.05.2025 (vide Annexure P/8), signed by Under Secretary of NCTE was received, in which it has been mentioned that recognition of these five colleges are still in vogue. However, it is specific submission of respondent University that this letter appears to be forged, therefore, on 31.05.2025 (Annexure R/2) Registrar Jiwaji University sent a letter to Member Secretary NCTE, Delhi to clarify the position about their earlier letter dt.08.05.2025, which according to University is a forged letter. **Surprisingly, no response is received by the respondent University from NCTE so far.** Said letter dt.31.5.2025 is placed by the respondent University as Annexure R/2 and reasons assigned for treating the letter dt.08.05.2025 as suspicious are given

in said letter, which are as under :-

The strong suspicion is raised due to the following discrepancies as they are not in consonance with the NCTE Letter communication general norms/pattern.

(i) Since various FIR are registered against 5 B.ED. Institutions U/s 420, 467, 468, 471, 120B IPC respectively as Crime No.07/2024, 08/2024, 09/2024, 10/2024 & 11/2024 in the S.T.F. Unit Gwalior and Crime is under active investigation. A copy of STF letter dt.08.05.2025 to University is attached herewith as **ANNEXURE J-1.**

(ii) Thus on 28.04.2025 Jiwaji University, Gwalior through its email ID jiwajiaffldcdc@gmail.com communicated letter no.एफ/संबद्धता/2025/220 dt.28.04.2025 to the Director, NCTE, New Delhi at email address recognition@ncte-india-org Whereby seeking current Recognition status of these 5 B.ED. Institutions who are seeking affiliation from the Jiwaji University, Gwalior for the academic Session 2025-2026. A copy of the letter dt.28.04.2025 is attached herewith with proof of communication by University (2 pages) as **ANNEXURE J-2.**

(iii) In response to aforementioned letter dt.28.04.2025 Jiwaji University, Gwalior on 09.05.2025 as its old email ID jiwajidcdc@gmail.com received a letter no. Couf...22482/25, Date 9/5/25 allegedly signed by the Avar Sachiv NCTE, G-7, Dwarka, Sector 10 on the Letter Head of WRC trough the email ID ncteorbnewdelhi@gmail.com.

Contents reproduced of letter are reproduced in toto.

प्रति,

श्रीमान कुलसचिव,

जीवाजी विश्वविद्यालय ग्वालियर

विषय- आपके द्वारा मांगी गई 5 कॉलेजों की मान्यता सम्बन्धी जानकारी देने बावत्।

संदर्भ- पत्र क्र. एफ/संबद्धता/2025/220 दिनांक 28-04-2025

महोदय,

उपरोक्त विषय में सूचित किया जाता है कि आपके पत्र क्र. एफ/संबद्धता/2025/220 के संबंध में जिन 5 कॉलेजों की मान्यता संबंधी जानकारी चाही गई है, उन सभी 5 कॉलेजों की मान्यता वर्तमान में आज दिनांक तक जारी है। एसटीएफ इकाई ने जो भी जानकारी हमारे कार्यालय से मांगी थी। वो उपलब्ध करा दी गई है, यदि एसटीएफ इकाई ग्वालियर जांच के पश्चात इन कॉलेजों को दोषी पाता है तो इनकी सूचना आपको दे दी जावेगी।

हस्ताक्षर

अवर सचिव 9.5.25

राष्ट्रीय अध्यापक शिक्षा परिषद

जी-7 द्वारिका सेक्टर-10, नई दिल्ली

A copy of suspicious proof of email ID dispatching suspicious letter dt.9-5-2025 is attached herewith (2 pages) as **ANNEXURE J-3**.

(iv) On perusal of the suspicious letter dt.09.05.2025 **ANNEXURE J-3**, it is crystally evident that Letter Head is used is of WRC, and it bears signature of NCTE Avar Sachiv. The pattern in giving dispatch number is doubtful because it is not in a pattern/mode in which the NCTE or WRC normally adopts while making communications to other statutory authorities.

(v) To the best of the knowledge of Jiwaji University the WRC or NCTE does not communicate to other statutory authorities in vernacular HINDI unless as used in this suspicious letter is concerned. As a routine course WRC or NCTE communicates in English.

(vi) The NCTE or WRC uses email id with “ORG” as Domain. To the best of the knowledge of Jiwaji University. The use of Gmail has been abandoned by NCTE or WRC for last more than 10 years. Hence, perhaps email ID ncteorbnewdelhi@gmail.com may not belong to NCTE or WRC.

(vii) Because the manner in which ANNEXURE J-3 has been written leads to strong suspicion and gives reason to believe. That it has not been issued by NCTE or WRC as the case may be.

Hence, it leads to invariable conclusion that it is a forged and manufacture letter with or due to ulterior motive to give eye wash ulteriorly to the Statutory Central/State Regulatory Authorities.

Therefore, respondents expressed the desire to lodge another FIR against those petitioners who are found to have forged the letter.

13. Considering the contents of said letter, it appears that the University rightly decided not to give affiliation to those commercial shops in the name of imparting education. On one hand, they do not fulfill the conditions as prescribed by affiliating body (which is part and parcel of recognition order), and on the other hand, they are facing criminal investigation on serious charges and all the more still trying to forge the letter of statutory authority. Therefore, very cleverly petitioners colleges did not implead NCTE as party respondent in the cause title just to avoid clarification from NCTE.

14. The judgments relied upon by the petitioners are of no help to them because they move in different factual realm. So far as judgment of the Apex Court in the case of **Rungta Engineering College (supra)** is concerned, it was in respect of All India Council for Technical Education Act, 1987 vis-a-vis Chhattisgarh Swami Vivekanand Technical University Act, 2004. Here, in the present case, Section 16 of the NCTE Act provides that affiliation can only be granted once the institution concerned has obtained recognition from the Regional Committee of NCTE under Section 14 or 15 of the NCTE Act. The very recognition order of Regional Committee contemplates that said permission is subject to fulfillment of requirement of affiliating body i.e.

University. Here, conditions are not being fulfilled. Therefore, University rightly denied affiliation. Similarly, **Nawab Shah Alam Khan College of Engineering (supra)** is also in respect of All India Council for Technical Education Act, 1987.

15. Apex Court in the case of **Adarsh Siksha Mahavidyalaya (supra)** discussed in detail about the necessity of well equipped and properly trained teachers. Apex Court in para 87 of the aforesaid judgment, held in following manner :-

87. As a sequel to the above discussion, we hold that the impugned orders do not suffer from any legal infirmity warranting interference by this Court. We also reiterate that:

(i) The Regional Committees established under Section 20 of the 1993 Act are duty-bound to ensure that no private institution offering or intending to offer a course or training in teacher education is granted recognition unless it satisfies the conditions specified in Section 14 (3) (a) of the 1993 Act and Regulations 7 and 8 of the Regulations. Likewise, no recognised institution intending to start any new course or training in teacher education shall be granted permission unless it satisfies the conditions specified in Section 15(3)(a) of the 1993 Act and the relevant Regulations.

(ii) The State Government / UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7 (2) of the Regulations, is under an obligation to make its recommendations within the time specified in Regulation 7 (3) of the Regulations.

(iii) While granting recognition, the Regional Committees are required to give due weightage to the recommendations made by the State Government/UT Administration and keep in view the observations made by this Court in *St. Johns Teachers Training Institute v. Regional Director, National Council for Teacher Education* (2003) 3 SCC 321 and *National Council for Teacher*

Education v. Shri Shyam Shiksha Prashikshan Sansthan (2011) 3 SCC 238, which have been extracted in the earlier part of this judgment.

(iv) The recognition granted by the Regional Committees under Section 14(3)(a) of the 1993 Act read with Regulations 7 and 8 of the Regulations and permission granted under Section 15(3)(a) read with the relevant Regulations shall operate prospectively, i.e., from the date of communication of the order of recognition or permission, as the case may be.

(v) The recognition can be refused by the Regional Committee under Section 14(3)(b), in the first instance, when an application for recognition is made by an institution. Likewise, permission can be refused under Section 15 (3)(b).

(vi) If the recognition is refused under Section 14 (3)(b) after affording reasonable opportunity to the applicant to make a written representation, the concerned institution is required to discontinue the course or training from the end of the academic session next following the date of receipt of the order.

(vii) Once the recognition is granted, the same can be withdrawn only under Section 17 (1) if there is a contravention of the provisions of the Act or the Rules, or the Regulations, or orders made therein, or any condition subject to which recognition was granted under Section 14(3)(a) or permission was granted under Section 15(3)(a).

(viii) The withdrawal of recognition becomes effective from the end of the academic session next following the date of communication of the order of withdrawal.

(ix) Once the recognition is withdrawn under Section 17 (1), the concerned institution is required to discontinue the course or training in teacher education and the examining body is obliged to cancel the affiliation. The effect of withdrawal of the recognition is that the qualification in teacher education obtained pursuant to the course or training undertaken at such institution is not to be treated as valid qualification for the purpose of employment under the Central Government, any State Government or University or in any educational body aided by the Central or the State Government.

(x) In view of the mandate of Section 16, no examining body, as defined in Section 2(d) of the 1993 Act, shall grant 102 1 affiliation unless the applicant has obtained recognition from the Regional Committee under Section 14 or permission for starting a new course or training under Section 15.

(xi) While granting affiliation, the examining body shall be free to demand rigorous compliance of the conditions contained in the statute like the University Act or the State Education Board Act under which it was established or the guidelines / norms which may have been laid down by the examining body concerned.

(xii) No institution shall admit any student to a teacher training course or programme unless it has obtained recognition under Section 14 or permission under Section 15, as the case may be.

(xiii) While making admissions, every recognised institution is duty bound to strictly adhere to para 3.1 to 3.3 of the Norms and Standards for Secondary/Pre-School Teacher Education Programme contained in Appendix-1 to the Regulations.

(xiv) If any institution admits any student in violation of the Norms and Standards laid down by the NCTE, then the Regional Committee shall initiate action for withdrawal of the recognition of such institution and pass appropriate order after complying with the rules of natural justice.

(xv) The students admitted by unrecognised institution and institutions which are not affiliated to any examining body are not entitled to appear in the examination conducted by the examining body or any other authorised agency.

(xvi) The students admitted by the recognised institutions otherwise than through the entrance/eligibility test conducted in accordance with the admission procedure contained in para 3.3 of Appendix-1 of the Regulations are also not entitled to appear in the examination conducted by the examining body or any other authorised agency.

(xvii) The NCTE shall issue direction for mandatory inspection of recognised institutions on periodical basis and all the Regional Committees are duty bound to take action in accordance with those directions.

(xviii) In future, the High Courts shall not entertain prayer for interim relief by unrecognised institutions and the institutions which have not been granted affiliation by the examining body and/or the students admitted by such institutions for permission to appear in the examination or for declaration of the result of examination. This would also apply to the recognised institutions if they admit students otherwise than in accordance with the procedure contained in Appendix-1 of the Regulations.

These directions were given arising out of the Public Interest Litigation.

16. Apex Court reiterated the position later on in the case of **State of Rajasthan v. LBS B.Ed. College and others (2016) 16 SCC 110**. It is the duty of NCTE to follow the directions given by Apex Court in the judgment rendered in the case of **Adarsh Siksha Mahavidyalaya (supra)**, in the case of **LBS B.Ed. College (supra)** and other pronouncements from time to time.

17. Therefore, in the considered opinion of this Court, on the basis of above discussion, respondent University has adopted right approach in not permitting these commercial shops to be run by granting them affiliation. Accordingly, all the **writ petitions are dismissed**. If some students are admitted by these colleges, then petitioners have to immediately refund the amount of fees to them. Even otherwise, students may lodge civil/criminal case against the colleges and its promoters in accordance with law.

18. So far as NCTE is concerned, it has to put its house in order and ensure

that any mischief may not be carried out on the name of NCTE because NCTE is expected to proceed against petitioners' institutions as per Section 17 of the NCTE Act or any other provisions for withdrawal of recognition if conditions are not fulfilled and if petitioners' institutions contravene the provisions of the NCTE Act. Role of NCTE deserves improvement.

19. Some of the writ petitions (W.P.No.48057/2025, 48062/2025 and 48069/2025) are preferred at the instance of the students as the face of litigation so that they may get the misplaced sympathy of this Court. However, they chose wrong college without verifying the facts about its affiliation etc. Therefore, they cannot get any relief. They are entitled to get refund of their fees, not the continuation of course.

20. So far as petitioners institutions are concerned, they are saddled with cost of Rs.25,000/- each. Therefore, petitioners of W.P.No.26738/2025, 20234/2025 and 18551/2025 will deposit **Rs.25,000/- (Rupees Twenty Five Thousand) each as cost within thirty days in favour of Juvenile Justice Fund having Saving Bank Account No.60411029562 of Bank of Maharashtra, Branch Govindpura, Bhopal, IFSC Code MAHB0001988 (a statutory fund created for the welfare of juveniles) from the date of certified copy of this order.**

21. Interim orders as passed earlier, if any, stand vacated and the students of petitioners institutions shall not be permitted to participate in the examinations till affiliation is granted by the respondent University.

22. Accordingly, all the writ petitions are **dismissed** as indicated above.

23. A copy of this order be sent to the National Council of Teacher Education, G-7, Sector – 10, Dwarka, Near Metro Station, New Delhi and to National Council of Teacher Education, Western Regional Committee, Manas Bhawan, Shyamla Hills, Bhopal for information and necessary action.

24. A copy of this order be placed in all the connected writ petitions.

(ANAND PATHAK)
JUDGE

(ANAND SINGH BEHRAWAT)
JUDGE

SP