

[2012] 2 S.C.R. 856

A NATIONAL COUNCIL FOR TECH. EDU. & ANR.

v.

VAISHNAV INST. OF TECH. & MGT.
(Civil Appeal No. 3505 of 2012)

APRIL 12, 2012

B

[R.M. LODHA AND H.L. GOKHALE, JJ.]

National Council for Teacher Education Act, 1993 – ss. 13 and 17 – Action u/s. 17 – Whether can be taken directly or by following the route of inspection u/s. 13 – Held: If satisfaction u/s. 17 can be arrived at without inspection, route of inspection u/s. 13 is not required to be followed – But where the competent authority forms the opinion that inspection is necessary, then the inspection and follow-up action u/s. 13 is required – National Council for Teacher Education Rules, 1997 – r. 8.

C

D

National Council for Teacher Education, taking action u/s. 17 of National Council for Teacher Education Act, 1993, derecognized various institutions. Applications were filed before Madhya Pradesh High Court as well as Delhi High Court challenging the derecognition. The question for consideration before the High Courts was where an action is contemplated against recognised institution u/s. 17(1) by the Regional Committee and inspection of such recognised institution is found necessary, whether such inspection must proceed u/s. 13 of the Act or the Regional Committee is empowered to carry out inspection independent of Section 13. Madhya Pradesh High Court took the view that it is imperative on the part of the Council to issue notice u/s. 13 to the recognised institution and, if on inspection u/s. 13, contraventions are found, then a notice needs to be given by the Council to the concerned recognised institution pointing out to it the deficiencies noticed

E

F

G

H

**NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 857
VAISHNAV INST. OF TECH. & MGT.**

during inspection and, if the institution fails to remove the deficiencies so pointed out, the action u/s. 17 may be taken. The Delhi High Court opined that the power of inspection by the Regional Committee is inherent in exercise of the power u/s. 17 and it is not imperative on the part of the Council to issue notice u/s. 13 before taking action u/s. 17. A
B

Disposing of the appeals, the Court

HELD: 1. Sections 17 and 13 of National Council for Teacher Education Act, 1993 must be harmoniously construed. In exercise of its powers under Section 17, the Regional Committee may feel that inspection of a recognised institution is necessary before it can arrive at the satisfaction as to whether such recognised institution has contravened any of the provisions of the Act or the rules or the regulations or the orders made thereunder or breached the terms of the recognition. In that event, the route of inspection as provided u/s. 13 has to be followed. If the Regional Committee has been authorised by the Council to perform its function of inspection, the Regional Committee may cause the inspection of recognised institution to be made as provided in Section 13 and prescribed in Rule 8 of National Council for Teacher Education Rules, 1997. Where, however, the Regional Committee feels that the inspection of a recognised institution is not necessary for the proposed action u/s. 17, obviously it can proceed in accordance with the law without following the route of inspection as provided u/s. 13. [Para 28] [872-E-G] C
D
E
F

2. It cannot be accepted that unnecessary delay would occasion if inspection of a recognised institution is carried out in terms of Section 13 and as prescribed by Rule 8. Rather the inspection in that manner would bring objectivity and fairness. The guidelines for expeditious completion of such inspection can always be G
H

A framed by the Council. The efficacy of right of appeal u/s. 18 is not at all affected if the inspection of a recognised institution is done in the manner indicated above. [Para 29] [873-B-C]

B 3. Thus the view of the Delhi High Court that the power of inspection by the Regional Committee is inherent in exercise of the power u/s. 17 and it is not imperative on the part of the Council to issue notice u/s. 13 before taking action u/s. 17 is set aside. The view of
C Madhya Pradesh High Court that before proceeding u/s. 17, the course of inspection provided in Section 13 has to be necessarily followed in all situations is also set aside. [Para 30] [873-D-F]

D 4. Interest of justice shall be sub-served if the Council causes inspection of all the institutions concerned in the present appeals which approached Madhya Pradesh High Court and Delhi High Court - being made as provided in Section 13, within six weeks from the date of the judgment. The Council shall communicate
E to the concerned institutions the result of such inspection and call upon the institutions to make up the deficiencies, if found during such inspection, as early as may be possible. With regard to the institutions where no
F deficiencies are found in the course of inspection or the institutions which make up deficiencies brought to their notice as a result of inspection, the Regional Committee shall issue appropriate order withdrawing order of derecognition. In respect of the institutions which do not make up the deficiencies within time granted by the
G Council, the order of withdrawal of recognition by the Regional Committee shall stand. [Para 32] [874-D-F]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3505 of 2012.

**NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 859
VAISHNAV INST. OF TECH. & MGT.**

From the Judgment & Order dated 20.09.2010 of the High Court of Madhya Pradesh Bench at Gwalior in W.P. No. 4501 of 2010. A

WITH

C.A. Nos. 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516 and 3517 of 2012. B

Pallav Shishodia, Sunil Singh Parihar, S.K. Sabharwal, Amitesh Kumar, Ravi Kant, Priti Kumari, Navin Prakash, Vivek Malik, Kamal Mohan Gupta, Sanjay Sharawat, Jasbir Singh Malik, Dr. Kailash Chand, Varun Thakur, V.N. Raghupathy, C.D. Singh, Sanjay Sharawat, Milind Kumar, Sanjay Ghosh, Nitin Bhardwaj, Ajit Kumar Gupta, Ajai Kumar Bhatia, Jatinder Kumar Bhatia for the appearing parties. C

The Judgment of the Court was delivered by D

R.M. LODHA, J. 1. Delay condoned in filing special leave petitions.

2. Interlocutory application for permission to delete respondent Nos. 3 and 4 from the array of parties in Special Leave Petition (Civil) No. 12815 of 2011 is allowed at the risk of the petitioner. E

3. Leave granted. F

4. Of these 22 Appeals, 9 arise from the judgment of the Delhi High Court and 13 from the different judgments of the Madhya Pradesh High Court. 13 Appeals arising from the judgments of the Madhya Pradesh High Court have been preferred by the National Council for Teacher Education (for short, 'NCTE' or 'Council') and the concerned Regional Committee. The 9 Appeals arising from the judgment of the Delhi High Court have been filed by various institutions. G

5. In these Appeals, the common question for H

- A consideration is, where an action is contemplated against recognised institution under Section 17(1) of the National Council for Teacher Education Act, 1993, (for short, 'the 1993 Act') by the Regional Committee and inspection of such recognised institution is found necessary, whether such
- B inspection must proceed under Section 13 of the 1993 Act or independent of Section 13, the Regional Committee is empowered to carry out inspection ?

6. The Madhya Pradesh High Court has taken the view that it is imperative on the part of the Council to issue notice under
- C Section 13 of the 1993 Act to the recognised institution and, if on inspection under Section 13, contraventions are found, then a notice needs to be given by the Council to the concerned recognised institution pointing out to it the deficiencies noticed during inspection and, if the institution fails to remove the
- D deficiencies so pointed out, the action under Section 17 may be taken.

7. The Delhi High Court has not accepted the above view of the Madhya Pradesh High Court. In the view of the Delhi High
- E Court, the power of inspection by the Regional Committee is inherent in exercise of the power under Section 17 of the 1993 Act and it is not imperative on the part of the Council to issue notice under Section 13 of the 1993 Act before taking action under Section 17 of the 1993 Act.

- F 8. Mr. Amitesh Kumar, learned counsel for the NCTE, stoutly defended the judgment of the Delhi High Court. He referred to Sections 13, 14, 15 and 17 of the 1993 Act and submitted that the provision of inspection under Section 13 is
- G entirely different and the power of Regional Committee conferred under Section 17 with regard to withdrawal of recognition and the consequences for contravention of the provisions of the 1993 Act, Rules, Regulations, etc. is self-contained and not circumscribed by the provision of inspection by the Council provided in Section 13. He submitted that
- H Regional Committee might not be able to discharge its functions

NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 861
VAISHNAV INST. OF TECH. & MGT. [R.M. LODHA, J.]

under Section 17 appropriately if for exercise of such power the A
provision of Section 13 is read into Section 17.

9. Learned counsel for the NCTE also raised the grievance
about the nature of direction given by the Madhya Pradesh High
Court in the impugned judgments. B

10. On the other hand, learned counsel for the institutions
supported the view of the Madhya Pradesh High Court. They
submitted that the view of the Delhi High Court was not in
conformity with the statutory scheme under the 1993 Act and
the rules framed thereunder. C

11. The 1993 Act was enacted by the Parliament to provide
for the establishment of a National Council for Teacher
Education with a view to achieving planned and co-ordinated
development for the teacher education system throughout the
country, the regulation and proper maintenance of norms and
standards in the teacher education system and for matters
connected therewith. It came into force with effect from July 1,
1995. D

12. Section 2 deals with definitions of the expressions used
elsewhere in the 1993 Act. Section 2(c) defines "Council" as
under : E

"Section 2(c) "Council" means the National Council for
Teacher Education established under sub-section (1) of
section 3." F

Section 2(i) defines "recognised institution" as under :

"Section 2(i) "recognised institution" means an institution
recognised by the Council under section 14." G

Section 2(j) defines "Regional Committee" as under :

"Section 2(j) "Regional Committee" means a committee
established under Section 20." H

- A According to Section 2(k), "Regulations" means regulations made under Section 32.

- B 13. The establishment of the Council is provided in Section 3. According to sub-section (2) thereof, the Council is a body corporate having perpetual succession. Under sub-section (3) of Section 3, with the previous approval of the Central Government, the Council may establish regional offices at other places in India while the head office of the Council is in Delhi.

- C 14. Section 12 sets out the functions of the Council. Section 13, which is relevant for our purposes, reads as follows :-

"13. Inspection.-

- D (1) For the purposes of ascertaining whether the recognised institutions are functioning in accordance with the provision of this Act, the Council may cause inspection of any such institution, to be made by such persons as it may direct, and in such manner as may be prescribed.

- E (2) The Council shall communicate to the institution the date on which inspection under sub-section (1) is to be made and the institution shall be entitled to be associated with the inspection in such manner as may be prescribed.

- F (3) The Council shall communicate to the said institution, its views in regard to the results of any such inspection and may, after ascertaining the opinion of that institution, recommend to that institution the action to be taken as a result of such inspection.

- G (4) All communications to the institution under this section shall be made to the executive authority thereof, and the executive authority of the institution shall report to the Council the action, if any, which is proposed to be taken for the purposes of implementing any such recommendation as is referred to in sub-section (3).
- H

NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 863
VAISHNAV INST. OF TECH. & MGT. [R.M. LODHA, J.]

15. Recognition of teacher education institutions is provided in Chapter IV of the 1993 Act. Sections 14, 15, 17 and 18, which are relevant for the consideration of the present matter, read as follows :

"14. Recognition of institutions offering course or training in teacher education.-(1) Every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations:

Provided that an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an application for recognition within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application by the Regional Committee from any institution under sub-section (1), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall,-

(a) if it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution, subject to such conditions as may be determined by regulations; or

(b) if it is of the opinion that such institution does

A not fulfil the requirements laid down in sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing:

B Provided that before passing an order under sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation.

C (4) Every order granting or refusing recognition to an institution for a course or training in teacher education under sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the local authority or the State Government and the Central Government.

D (5) Every institution, in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under clause (b) of sub-section (3).

E (6) Every examining body shall, on receipt of the order under sub-section (4), -

F (a) grant affiliation to the institution, where recognition has been granted; or

(b) cancel the affiliation of the institution, where recognition has been refused.

G 15. Permission for a new course or training by recognised institution.-(1) Where any recognised institution intends to start any new course or training in teacher education, it may make an application to seek permission to the Regional Committee concerned in such form and in such manner as may be determined by regulations.

H

NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 865
VAISHNAV INST. OF TECH. & MGT. [R.M. LODHA, J.]

(2) The fees to be paid along with the application under sub-section (1) shall be such as may be prescribed. A

(3) On receipt of an application from an institution under sub-section (1), and after obtaining from the recognised institution such other particulars as may be considered necessary, the Regional Committee shall,- B

(a) if it is satisfied that such recognised institution has adequate financial resources, accommodation, library, qualified staff, laboratory, and that it fulfils such other conditions required for proper conduct of the new course or training in teacher education, as may be determined by regulations, pass an order granting permission, subject to such conditions as may be determined by regulation; or C

(b) if it is of the opinion that such institution does not fulfil the requirements laid down in sub-clause (a), pass an order refusing permission to such institution, for reasons to be recorded in writing: D

Provided that before passing an order refusing permission under sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the institution concerned for making a written representation. E

(4) Every order granting or refusing permission to a recognised institution for a new course or training in teacher education under sub-section (3), shall be published in the Official Gazette and communicated in writing for appropriate action to such recognised institution and to the concerned examining body, the local authority, the State Government and the Central Government. F

17. Contravention of provisions of the Act and consequences thereof.- G

H

- A (1) Where the Regional Committee is, on its own motion
or on any representation received from any person,
satisfied that a recognised institution has contravened any
of the provisions of this Act, or the rules, regulations,
orders made or issued thereunder, or any condition subject
B to which recognition under sub-section (3) of section 14
or permission under sub-section (3) of section 15 was
granted, it may withdraw recognition of such recognised
institution, for reasons to be recorded in writing:
- C Provided that no such order against the recognised
institution shall be passed unless a reasonable opportunity
of making representation against the proposed order has
been given to such recognised institution:
- D Provided further that the order withdrawing or
refusing recognition passed by the Regional Committee
shall come into force only with effect from the end of the
academic session next following the date of
communication of such order.
- E (2) A copy of every order passed by the Regional
Committee under sub-section (1), -
- F (a) shall be communicated to the recognised institution
concerned and a copy thereof shall also be forwarded
simultaneously to the University or the examining body to
which such institution was affiliated for cancelling affiliation;
and
- G (b) shall be published in the Official Gazette for general
information.
- H (3) Once the recognition of a recognised institution is
withdrawn under sub-section (1), such institution shall
discontinue the course or training in teacher education,
and the concerned University or the examining body shall
cancel affiliation of the institution in accordance with the
order passed under sub-section (1), with effect from the

NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 867
VAISHNAV INST. OF TECH. & MGT. [R.M. LODHA, J.]

end of the academic session next following the date of communication of the said order. A

(4) 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. B C D

18. Appeals.-(1) Any person aggrieved by an order made under section 14 or section 15 or section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor: E

Provided that an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfied the Council that he had sufficient cause for not preferring the appeal within the prescribed period. F

(3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed. G

(4) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disallowing an appeal, the H

A appellant shall be given a reasonable opportunity to represent its case.

(5) The Council may confirm or reverse the order appealed against."

B 16. Section 20 deals with Regional Committees. Sub-section (1) thereof provides that the Council shall, by notification in the Official Gazette, establish the following Regional Committees, namely, (i) The Eastern Regional Committee; (ii) the Western Regional Committee; (iii) the Northern Regional Committee, and (iv) the Southern Regional Committee. Its composition, terms of the members, etc. are provided in different sub-sections. Sub-section (6) provides that the Regional Committee shall, in addition to its functions under Sections 14, 15 and 17, perform such other functions, as may be assigned to it by the Council or as may be determined by regulations.

E 17. The Council has been empowered to terminate the Regional Committee in the circumstances provided in Section 21. Section 27 empowers the Council to delegate its powers and functions, etc., except the power to make regulations under Section 32.

F 18. Section 31 empowers the Central Government to make rules, while Section 32 empowers the Council to make regulations. In exercise of powers conferred under Section 31, the Central Government has framed the rules titled the National Council for Teacher Education Rules, 1997 (for short, 'the 1997 Rules'). Relevant rule for the purposes of our consideration is Rule 8, which deals with inspection. Rule 8 provides as under

G :

"8. Inspection :-

H (1) The Council may inspect the recognised institutions in the manner specified in sub-rules (2) to (8).

**NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 869
VAISHNAV INST. OF TECH. & MGT. [R.M. LODHA, J.]**

- (2) The Council shall approve a panel of names of experts in teacher education or educational administration who may be able to inspect the recognised institutions. The Chairman shall nominate at least two person out of the panel of experts to a inspection team. **A**
- (3) The Council shall give a notice of its intention to the institution alongwith a questionnaire in Form - 'IV' seeking information within fifteen days on all relevant matters relating to the institution. **B**
- (4) On receipt of the completed questionnaire, the Council shall communicate the names of the members of inspection team and the date of inspection to the institution. **C**
- (5) The institution to be inspected shall nominate its one officer or employee, to be associated with the inspection team. **D**
- (6) The inspection team shall ascertain as to whether the institution is functioning in accordance with the provisions of the Act and the rules and regulations made thereunder. **E**
- (7) The members of the inspection team may, if deem necessary, interact with the faculty members and other employees of the institution.
- (8) The inspection team shall submit its report to the Council within a period of fifteen days from the last day of the inspection." **F**
19. From the survey of the above provisions, it would be seen that the Council has been established for ensuring planned and co-ordinated development for the teacher education; for proper maintenance of norms and standards for teacher education and for discharge of diverse functions assigned to it in the 1993 Act. The Regional Committees are empowered to discharge their functions as statutorily provided in Sections 14, 15 and 17 and also such other functions which **G**
- H**

870 SUPREME COURT REPORTS [2012] 2 S.C.R.

A may be assigned to them by the Council or which may be
provided in the regulations. For grant of recognition to an
institution, the Regional Committee, on receipt of the
application as prescribed, has to consider diverse aspects,
B adequate financial resources, accommodation, library, qualified
staff, laboratory and that the applicant-institution fulfils other
conditions necessary for proper functioning for a course or
training in teacher education. It is only after the Regional
Committee issues recognition to an institution and that is
C notified in the Official Gazette, the Examining Body grants
affiliation to such institution.

20. Under Section 15, the Regional Committee is
empowered to grant permission for a new course or training
to an institution which has already been granted recognition.
D

21. Section 17 empowers the Regional Committee to take
action against recognised institution where it receives a
representation from any person or it is suo motu satisfied that
a recognised institution has contravened any of the provisions
E of the 1993 Act or the 1997 Rules, regulations, orders made
or issued thereunder, etc. or the recognised institution has
contravened the conditions of recognition.

22. Once recognition has been granted by the Regional
Committee to an institution, the Council has to ensure that such
recognised institution functions in accordance with the 1993
Act. To achieve that objective, the Council has to get inspection
of recognised institution done periodically and, if such institution
is found wanting in its functioning as required, then recommend
F to the institution the remedial action to be taken by it as a result
G of inspection.

23. In view of the above statutory scheme, it is hard to
appreciate the litigious approach of the council and the present
controversy. If the Council feels that its function of inspection
under Section 13 may be performed by the Regional
H

NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 871
VAISHNAV INST. OF TECH. & MGT. [R.M. LODHA, J.]

Committees, it can so provide by invoking Section 20(6) or A
Section 27, as the case may be.

24. What is clear from the provisions of the 1993 Act is
that post recognition, an institution acquires a different position.
On recognition by the Regional Committee under Section 14 B
and on affiliation being granted by the Examining Body, once
the recognised institution starts functioning, the interest of
teachers, employees and the students intervene. In order to
ensure that the recognised institutions function in accordance C
with the 1993 Act, the 1997 Rules, regulations and the
conditions of recognition and, at the same time, functioning of
such recognised institutions is not disturbed unnecessarily, the
provision for inspection and follow-up action pursuant thereto
has been made in Section 13. By Section 13, as a matter of
law, it is intended that the Council ascertains whether the
recognised institutions are functioning in accordance with the D
provisions of the 1993 Act or not. For that purpose, it empowers
the Council to cause inspection of any such institution to be
made by such persons as it may direct, and in such manner
as may be prescribed. The Council may authorise the Regional
Committee to carry out its function of inspection. But such E
inspection has to be made as prescribed in Rule 8 to find out
whether such recognised institution is or is not functioning in
accordance with the provisions of the 1993 Act.

25. In the 1997 Rules framed by the Central Government,
Rule 8 deals with inspection and sub-rule (6) provides that the F
inspection team shall ascertain as to whether the recognised
institution is functioning in accordance with the provisions of the
1993 Act and the rules and regulations made thereunder.

26. On inspection being completed as provided in sub-
sections (1) and (2) of Section 13 of the 1993 Act read with G
Rule 8 of the 1997 Rules, the Council is required to
communicate to the concerned institution its views with regard
to the outcome of the inspection and, if deficiencies are found,
to recommend to such institution to make up the deficiencies.
The whole idea is that the Council as a parent body keeps an H

A eye over the recognised institutions that they function in accordance with the 1993 Act and the rules and the regulations and orders made or issued thereunder and, if any recognised institution is found wanting in its functioning, it is given an opportunity to rectify the deficiencies.

B 27. Derecognition or withdrawal of recognition of a recognised institution is a drastic measure. It results in dislocating the students, teachers and the staff. That is why, the Council has been empowered under Section 13 to have a constant vigil on the functioning of a recognised institution. On
C recommendation of the Council after inspection, if a recognised institution does not rectify the deficiencies and continues to function in contravention of the provisions of the 1993 Act or the rules or the regulations, the Regional Committee under Section 17 has full power to proceed for withdrawal of
D recognition in accordance with the procedure prescribed therein.

28. Sections 17 and 13 must be harmoniously construed. In exercise of its powers under Section 17, the Regional
E Committee may feel that inspection of a recognised institution is necessary before it can arrive at the satisfaction as to whether such recognised institution has contravened any of the provisions of the 1993 Act or the rules or the regulations or the orders made thereunder or breached the terms of the recognition. In that event, the route of inspection as provided
F under Section 13 has to be followed. If the Regional Committee has been authorised by the Council to perform its function of inspection, the Regional Committee may cause the inspection of recognition institution to be made as provided in Section 13 and prescribed in Rule 8. Where, however, the Regional
G Committee feels that the inspection of a recognised institution is not necessary for the proposed action under Section 17, obviously it can proceed in accordance with the law without following the route of inspection as provided under Section 13.

H 29. Mr. Amitesh Kumar, learned counsel for the NCTE,

NATIONAL COUNCIL FOR TECH. EDU. & ANR. v. 873
VAISHNAV INST. OF TECH. & MGT. [R.M. LODHA, J.]

submitted that for an action under Section 17, inspection of the A
recognised institutions would be necessary in most of the
situations and, if the route of inspection under Section 13 was
followed, it would result in delay and might affect right of appeal
given to an aggrieved institution under Section 18 against the
order of the Regional Committee passed under Section 17. The B
submission does not appeal us. It is hard to accept that
unnecessary delay would occasion if inspection of a
recognised institution is carried out in terms of Section 13 and
as prescribed by Rule 8. Rather the inspection in that manner
would bring objectivity and fairness. The guidelines for C
expeditious completion of such inspection can always be
framed by the Council. The efficacy of right of appeal under
Section 18 is not at all affected if the inspection of a recognised
institution is done in the manner indicated above.

30. In view of the above, the view of the Delhi High Court D
does not commend us and we set aside the judgment of the
Delhi High Court. The view of the Madhya Pradesh High Court
to the extent it runs contrary to what we have noted above does
not hold good. In other words, the view of the Madhya Pradesh
High Court that before proceeding under Section 17 of the E
1993 Act, the course of inspection provided in Section 13 has
to be necessarily followed in all situations is set aside. If
satisfaction under Section 17 can be arrived at without
inspection of a recognition institution, the Regional Committee
is not required to follow the route of Section 13. However, where F
the Regional Committee forms an opinion that for its proper
satisfaction as to whether a recognised institution has
contravened the provisions of the 1993 Act or the rules or the
regulations or the orders made or issued thereunder or the
conditions of recognition, an inspection is necessary, then G
necessarily the inspection and follow-up action under Section
13 has to be followed. We answer the question accordingly.

31. It appears that the concerned institutions are presently
not functional because of withdrawal of recognition. Insofar as
Appeals arising from the Madhya Pradesh High Court are H

874 SUPREME COURT REPORTS [2012] 2 S.C.R.

- A concerned, in the Appeals preferred by the NCTE, the Court by an interim order stayed the judgment of the Madhya Pradesh. As regards the Appeals filed by the institutions from the judgment of the Delhi High Court, we find that this Court refused to grant any stay in favour of the institutions. We are
- B informed that with regard to the institutions who have appealed against the Delhi High Court judgment, the Regional Committee had already ordered withdrawal of their recognition, but later on, the order of withdrawal of recognition was put in abeyance until the decision in the Writ Petitions. It would be,
- C thus, seen that on dismissal of the Writ Petitions by the Delhi High Court, the order of withdrawal of recognition of the institutions has come into operation.

32. In what we have discussed above, in our considered view, interest of justice shall be sub-served if the Council
- D causes inspection of all the institutions concerned in these Appeals - which approached Madhya Pradesh High Court and Delhi High Court - being made as provided in Section 13 of the 1993 Act within six weeks from today. The Council shall communicate to the concerned institutions the result of such
- E inspection and call upon the institutions to make up the deficiencies, if found during such inspection, as early as may be possible. With regard to the institutions where no deficiencies are found in the course of inspection or the institutions which make up deficiencies brought to their notice
- F as a result of inspection, the Regional Committee shall issue appropriate order withdrawing order of derecognition. In respect of the institutions which do not make up the deficiencies within time granted by the Council, the order of withdrawal of recognition by the Regional Committee shall stand.

- G 33. Civil Appeals are disposed of as above with no order as to costs.

34. In view of the above, Interlocutory Applications, if any, do not survive and stand disposed of.

H K.K.T.

Appeals disposed.