(1)

F.No.89-327/E-130963/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Smt. Manoramabai Bheemarao Huligol College of Education, Gadag, Karnataka dated 26/08/2019 is against the Order No. SRO/NCTE/APSO2151/B.Ed/KA/2019-104600 dated 21.05.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "The land documents submitted by the institution is on Lease in favour of President Vidyadan Samiti, Smt. M.B. Huilgol (R) B.Ed. College. Certified copy of LUC issued by the competent authority is not submitted. The latest EC is submitted in regional language. Building plan is submitted which is not readable. Faculty list submitted which is not approved by the affiliating university. FDRs of Rs. 8 Lakhs are submitted in photocopy against the requirement of original towards the Endowment and Reserve Fund of Rs. 12 Lakh."

AND WHEREAS Sh. B.S. Rathod, Lecturer, Smt. Manoramabai Bheemarao Huligol College of Education, Gadag, Karnataka presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation it was submitted that "Appellant institution submitted online application to SRC, NCTE for starting the B.Ed. course and also submitted the hard copy of the application along with documents as per the NCTE Regulations prevailed at that point of time. It is submitted that the lease deed was permissible as per the NCTE Regulations. The SRC, NCTE after conducting the expert visit and verifying the Appellant infrastructural and instructional facilities issued LOI and directed the appellant to get the staff approval, etc. Necessary compliance was submitted by the appellant to the SRC requesting it to issue the recognition order. Accordingly, SRC after scrutiny of the documents and all relevant factors granted permission for running the B.Ed. Course to the appellant institution vide its Order dated 02.12.2004 from academic session 2004-2005. SRC issued Revised Recognition Order dated 01.07.2015 to the appellant institution. It is submitted that the appellant herein vide its letter dated 30.07.2015 submitted the compliance of the Revised Order dated 01.07.2015 alongwith the necessary documents. It is necessary to inform that the institution submitted the Land and Building Certificate, Encumbrance Certificate, CLU and Building Plan. SRC, NCTE issued show cause notice dated 27.06.2016 to the Appellant

institution directing for the expert inspection. The Petitioner institution vide letter dated 27.06.2016 replied to the show cause notice and submitted the required compliances. That it is submitted that the appellant institution vide its letter dated 19.07.2017 received in SRC on 26.07.2017 requested the SRC to grant recognition only for one Unit i.e. 50 Students. It is submitted that the SRC thereafter on the institution letter issued another Show Cause notice dated 27.12.2017. That it is submitted that the institution vide its letter dated 16.01.2018 responded to the show cause notice and again submitted the relevant documents as desired by the SRC. It is submitted that the appellant herein also applied for a fresh Land Use Certificate and the same was again issued by the authority vide its letter dated 28.05.2019. SRC vide its withdrawal order dated 21.05.2019 withdrew the recognition of the Appellant institution on the grounds which were not included in show cause without giving any opportunity to the institution to explain the same. That it is submitted that the expert team of the NCTE visited the Appellant Institution and verified the infrastructural and instructional facilities. Thereafter, the SRC verified the visiting team report and viewed the CD and consider the documents including Building Completion Certificate, Building Plan etc. and accorded the recognition order to the Appellant Institution and the recognition won't have been withdrawn without ascertaining the proper facts. That it is submitted that the SRC vide its order dated 21.05.2019 withdrew the recognition of the Appellant Institution pointing out certain other point also which were not a part of show cause notice and Appellant had no opportunity to justify. That it is submitted that the withdrawal order of the SRC totally devoid of the merit and is not as per the statutory provisions as mandated under NCTE Act, 1993. That it is submitted that the institution opting for one unit also need no other compliance as per Regulation 2014 except the FDRs. That it is submitted that the institution is running on the same piece of land and the building wherein the recognition was accorded and if the SRC had any confusions it ought have conducted the expert visit to verify the same. That the manner in which the SRC proceeded for withdrawal of recognition under Section 17 of the NCTE Act 1993 is not permissible without following provisions of Section 13. It is submitted that the withdrawal order of the SRC was received by the institution on 10-11th June 2019 and thereafter taking the opinion is filing the instant appeal."

AND WHEREAS Appeal Committee noted that recognition granted to appellant institution on 02/12/2004 contained a Clause which read as:

"(c) The institution shall shift to its own premises/building within three years from the date of recognition. (In case the course is started in rented promises.)

Perusal of the records submitted by the appellant, some of which are also found available on the regulatory file, contain ample evidence that Land bearing survey number 6694/A – 1, K.C. Rani Road, in the City limits of Gadag is owned by Vidya Dan Samiti, has a built up area 2037 sq. meters with an approved building plan and B.C.C. issued by Competent Authority.

AND WHEREAS Appeal Committee further noted that a Show Cause Notice (SCN) dated 27/12/2017 was issued by SRC which mentioned that the request of institution for one unit was noted and the Regional Committee decided to seek the following: (i) Title deed, LUC, latest E.C., B.P., B.C.C., F.D.Rs and latest faculty list.

In the above S.C.N. it was made clear to the appellant institution that list of faculty (1 + 7) given to them can be accepted only when the strength is reduced to one unit.

AND WHEREAS Appeal Committee noted that appellant institution submitted reply dated 16/01/2018 to the S.C.N. which is found available on regulatory file, is in vernacular language. The list of faculty (1+7) submitted by appellant contained signatures of Dean, Faculty of Education with date as 11/06/2016. The name of University is not visible / borne on the stamp.

AND WHEREAS Appeal Committee noted that appellant during the course of appeal hearing on 14/10/2019 has submitted copies of approved building plan with a proposed built up area of 2037 sq. meters, a B.C.C. corresponding to the building plan, copy of F.D.Rs, CLU dated 28/05/2019, F.D.Rs and faculty list countersigned by Dean, Faculty of Education, Karnaka University on 11/06/2016.

AND WHEREAS Appeal Committee noted that appellant institution is conducting B.Ed. course since the academic session 2004-05. After the 2014 Regulation the appellant had requested for reduction in intake in July, 2017, on which SRC has not taken any decision. The institution continues to function from the same address. Appeal Committee, therefore, decided that appellant institution is required to submit to SRC a complete and comprehensive compliance with authenticated English version of land documents, CLU, NEC and legible copy of B.C.C., building plan.

AND WHEREAS Appeal Committee considered that onus lies on the Regional Committee to have obtained enrolment data from the affiliating university to ascertain the number of students admitted by appellant institution during the preceding years after the issue of revised recognition order. The case is remanded back to SRC for revisiting the matter after obtaining required information from affiliating university, and set of other documents such as (i) Land documents, Building plan, Building Completion Certificate, C.L.U., Latest Non Encumbrance Certificate and latest list of faculty approved by affiliating university from the appellant institution. Appellant institution is required to submit required documents to SRC within 15 days of the issue of appeal orders.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, the Committee concluded that the case deserves to be remanded back to the SRC for revisiting the matter after obtaining required information from affiliating university, and set of other documents such as (i) Land documents, Building plan, Building Completion Certificate, C.L.U., Latest Non Encumbrance Certificate and latest list of faculty approved by affiliating university from the appellant institution. Appellant institution is required to submit required documents to SRC within 15 days of the issue of appeal orders.

NOW THEREFORE, the Council hereby remands back the case of Smt. Manoramabai Bheemarao Huligol College of Education, Gadag, Karnataka to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Smt. Manoramabai Bheemarao Huligol College of Education, 6694/A, K.C. Rani Road, Gadag – 582101, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.

(2)

F.No.89-328/E-131917/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Dhattarwal Teacher Training College, Hamirwas, Mandrella, Jhunjhunu, Rajasthan dated 26/08/2019 is against the Letter No. 715/NRC/NCTE/Returning of Application/S.No.-22/Raj./2009 dated 03.03.2009 of the Northern Regional Committee, thereby returning the application for conducting B.Ed. course on the following grounds:- "the NCTE Hqtrs. has independently decided to reiterate the decision already taken by NCTE not to grant recognition for B.Ed./STC/Shiksha Shastri course to any institution in the State of Rajasthan for the academic session 2009-10 and to return all the application along with processing fee and documents to the institution concerned."

AND WHEREAS Dr. Prabhu Dayal, Principal, Dhattarwal Teacher Training College, Hamirwas, Mandrella, Jhunjhunu, Rajasthan presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation it was submitted that "Controversy was settled by the Appellate Authority, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993. The appellate authority of NCTE vide order No. 89-488/E-9740/2017 Appeal/17th Meeting-2017 dt. 27.11.2017 titled "J.B.M. College of Education" directed the NRC to process further the application on the ground that "...Appeal Committee noted that the appellant applied in 2012, there was no ban by the State Government. Further the Appeal Committee is of the view that the blanket general ban imposed by the State Government can be taken into account by NCTE only before issuing any notification inviting applications for teacher education course in a particular State for the prospective academic year(s). Once the applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. The Committee noted that the submission of the appeal has been delayed by almost nine years beyond the period of sixty days prescribed under the Appeal Rules. The Committee noted that according to the provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an

order made under Section 14, Section 15 or Section 17 of the NCTE Act, 1993 may prefer an appeal to the Council within sixty days of issue of such orders. According to the Proviso to Rule 10, an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the period of limitation of sixty days.

AND WHEREAS the Committee noted that the impugned letter of the NRC returning the application of the appellant was issued in the year 2009 and it is not an Order issued under any one of the Sections of the NCTE Act, 1993 mentioned in para 4 above. Notwithstanding this position, the appellant inordinately delayed making the appeal. The appellant has not given any reason whatsoever for the inordinate delay. The Committee further noted that, a plain reading of the appeal reveals that, all the submissions made therein have no relevance to the contents of the letter of N.R.C's.

AND WHEREAS the Committee, in view of the position stated in above paras, decided not to condone the delay in submission of the appeal. Hence the appeal is not admitted.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to condone the delay in submission of the appeal. Hence the appeal is not admitted.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Dhattarwal Teacher Training College, 256, Lamba, Hamirwas, Mandrella, Jhunjhunu – 333023, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

F.No.89-329/E-132042/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Mother Teresa College for Girls, Kishangarh, Renewal, Jaipur, Rajasthan dated 24/08/2019 is against the Order No. NCTE/NRC/NRCAPP201615404/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/20172018/2; dated 27.07.2017 of the Northern Regional Committee, refusing recognition for conducting for B.A.B.Ed./B.Sc.B.Ed. Course on the grounds that "reply of SCN issued by NRC to the institution has not been received within stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Sh. Rameshwar Prasad, President and Sh. Achera, Staff, Mother Teresa College for Girls, Kishangarh, Renewal, Jaipur, Rajasthan presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation appellant did not make any reasoned and written statement except for stating that Hon'ble High Court for Rajasthan, Bench at Jaipur has decided in its favour.

AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ Petition No. 13478/2019 and the Hon'ble High Court by its order dated 14/08/2019 has directed the petitioner to file appeal before the Appellate Authority which is required to be decided as per law.

AND WHEREAS Appeal Committee noted that as per Section 18 of NCTE Act and extant appeal rules appellant, if not satisfied with the impugned order, can prefer appeal within a period of 60 days from the date of issue of impugned order. The delay in preferring appeal is condonable provided the appellant suitably and satisfactorily explains the reasons leading to the delay, Appeal Committee noted that appellant in its appeal memoranda and forwarding

letter has not stated any reason for the delay which is more than 27 months after allowing legally admissible time of 60 days for preferring appeal.

AND WHEREAS Appeal Committee on scrutiny of the relevant regulatory file could not locate any reply to the SCN dated 02/03/2017. From the documents enclosed with the application dated 14/06/2016, Appeal Committee also could not locate the documents such as (i) Change of Land Use Certificate (CLU) and (ii) Non Encumbrance Certificate. The building plan was found to be approved by the local Civic Authority and it contained the name of proposed institution and the course applied for.

AND WHEREAS Appeal Committee concludes that whenever a Show Cause Notice is issued it is incumbent on the applicant institution to have submitted a suitable reply to Regional Committee in a time bound manner. The appellant had failed to respond suitably to the S.C.N. dated 02/03/2017 and also prefer timely appeal against the impugned order dated 27/04/2017. Appeal Committee, therefore, decided to confirm the impugned refusal order dated 27/04/2017.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Mother Teresa College for Girls, 979, 28/2, Kishangarh, Renewal, Shiv Colony, Renewal, Jaipur – 303603, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

F.No.89-332/E-132452/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Shri Krishna Shikshak Prashikshan Mahavidyalaya, Village – Jalooki, Laxmangarh Road, Nagar, Bharatpur, Rajasthan dated 17/08/2019 is against the Letter No. New Appl./RF/Raj/NRCAPPP6935/2013-14/48173 dated 10.06.2013 of the Northern Regional Committee, thereby returning the application for conducting D.El.Ed. course on the following grounds:- "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that 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 of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulations 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it is clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

AND WHEREAS Appeal Committee noted that appellant institution had filed a S.B. Civil Writ Petition No. 12479 of 2019 in the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur and Hon'ble High Court by its order dated 01/08/2019 remitted the petitioner to avail the remedy of statutory appeal under Section 18 of the Act of 1993. The appeal is required to be disposed of expeditiously in accordance with law by Appellate Authority.

AND WHEREAS Sh. Shanti Swaroop Sharma, Secretary, Shri Krishna Shikshak Prashikshan Mahavidyalaya, Village – Jalooki, Laxmangarh Road, Nagar, Bharatpur, Rajasthan presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation it was submitted that "NCTE, New Delhi had issued public notice on 27.11.2012 through which applications for grant of recognition for various Teacher Education course had been invited from all stake holders in which no ban for D.El.Ed. course was imposed in the State of Rajasthan. That this institution has applied online for grant of recognition of D.El.Ed. course (02 units) to NCTE from 2013-14 on 30.12.2012. Instead of processing the application of this institution for granting recognition for D.El.Ed. course (02 units), NRC, NCTE had returned the application of this institution for grant of recognition of D.El.Ed. course (02 units) on 10.06.2013. That being aggrieved from the order of NRC, NCTE, this institution has filed a s.B. Civil writ Petition No. 12479/2019 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble High Court passed an order on 01.08.2019 and directed to petitioner to file an appeal u/s 18 of NCTE Act. 1993 and Appellate Authority is directed that it will be disposed of expeditiously in accordance with law. That Appellate Authority, NCTE had already decided by its order dated 27.11.2()17 that "Once applications are invited, the regional committee had no right to reject it on the grounds of ban imposed subsequently by the State Govt." That NRC, NCTE had conducted inspection of Royal Shikshak Prashikshan Center, Chomu, Jaipur (Raj.) who had applied for D.El.Ed. course in 2012. After Inspection of the institution NRC, NCTE had rejected the application. Appellate Authority, NCTE had decided by its order dated 05.06.2018 that the rejection ground of non-submission of application online is not applicable to this institution because this institution has applied before the enactment of Regulations 2014. Deptt. of Elementary Education (Ayqiana) Deptt., Govt. of Rajasthan had sent a letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that no ban has been imposed for D.El.Ed. course for session 2019-2020. That Director Elementary Education Rajasthan, Bikaner has issued N.O.C. for D.El.Ed. course to many institution in compliance to Hon'ble court orders and deficiency pointed out by NRC,

NCTE. That NRC, NCTE had returned the application of this institution on totally arbitrary, unjustified, illegal and unconstitutional basis because this institution has submitted application for grant of recognition for D.El.Ed. course (02 units) through online electronically mode and required processing fees of Rs. 50100/- has been submitted to NRC, NCTE on 04.01.2013 vide Challan. The receipt and online application is already annexed at Annexure-5. Thus, NRC, NCTE has rejected the application of this institution for grant of recognition for D.El.Ed. course (02 units) on illegal, unlawful, unjustified and unconstitutional basis."

AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the Hon'ble Division Bench of the Hon'ble High Court of Delhi at New Delhi in their order dated 31/10/2018 in LPA No. 619/2018 and C.M. No. 45733/2018, concurring with the judgement of the Hon'ble Single Judge of the Hon'ble High Court of Delhi dated 05/10/2018 in W.P. (C) 10551/2018, held that (i) there is no justification to allow mushrooming of Institutes conducting teacher education courses; (ii) the NCTE is within its competence to consider the decision of the State of Haryana not to allow setting up of new B.Ed. institutions in the State; (iii) the N.R.C. on the basis of the recommendations of the State Government of Haryana not to allow setting up of new B.Ed. institutions in the State returned the applications for setting up B.Ed. colleges to the respective institutions along with the fee; and (iv) the decision of the State of Haryana is a necessary input for the NCTE to return the applications received from the institutes. It has also been brought to the notice of the Committee in the above said meeting that the Hon'ble Supreme Court of India, in their order dt. 18/07/2018 in M.A. No. 1175 of 2018 in W.P. (Civil) No. (S) 276 of 2012, taking note of the decisions of the NCTE not to invite applications for recognition of TTIs from certain States including Haryana from the academic year 2010-11 till the next academic year 2019-20, which itself was taken in order to regulate growth of teacher education at all levels on the basis of the recommendations received from the State Governments and UTS, declined to grant any relief to extend the last cut off date for grant of recognition as 15/05/2018 for the academic session 2018-19.

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned

and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed. The appellant institution is free to submit a fresh application as and when NCTE issues notification inviting application for the desired courses in future.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing and taking into account the position stated in paras above, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Krishna Shikshak Prashikshan Mahavidyalaya, Village – Jalooki, 202, Laxmangarh Road, Nagar, Bharatpur – 321205, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.

(8)

F.No.89-334/E-132622/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Paramount Teachers Training College, Silout Vimal, 8 & 17 Kudhani, Muzaffarpur, Bihar dated 21/08/2019 is against the Order No. ER274.14.90/(ERCAPP750)/B.Ed./2019/61127 dated 05.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "1st Show Cause Notice u/s 17(1) issued on 20.04.2018, followed by final show cause notice dated 18.05.2019 on the following grounds:- a) Approved faculty list by the concerned affiliating body along with requisite documents. b) Approved Building Plan by the concerned Competent Govt. Engineer/Authority. c) Approved Building Completion Certificate by the concerned Competent Govt. Engineer/Authority. d) FDRs towards Endowment fund and Reserve fund after conversion into joint operation made as prescribed in the NCTE Regulations, 2014. e) Confirmation on website updated of the institutions with all details along with affidavit. No reply received and the stipulated time period has already been over. In view of the above, the Committee decided as under:- Recognition granted to B.Ed. course is withdrawn under Section 17(1) of NCTE Act, 1993 from the academic session 2020-2021."

AND WHEREAS Sh. Sandip Chatterjee, Representative, Paramount Teachers Training College, Silout Vimal, 8 & 17 Kudhani, Muzaffarpur, Bihar presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation it was submitted that "SCN dated 20.04.2018 under section 17(1) was issued to our college. On 09.05.2018, we sent an email with all documents in PDF format to ERC, NCTE. The same documents were also sent by speed post on same day by receipt No. EP500143107IN. Again, we received a SCN u/s 17(1) dated 18.05.2019. In reply to this against we send all required documents to ERC, NCTE, Bhubaneswar by courier AWB No. 401410003876 on 24.05.2019. But unfortunately, our recognition was withdrawn by ERC in its order dated 05.08.2019, F.No. ER-274.14.90(ERCAPP750)B.Ed./2019/61127. On 21.08.2019, we filed appeal against this order for relief and justice."

AND WHEREAS Appeal Committee noted that two Show Cause Notice (SCNs) dated 20/04/2018 and 18/05/2019 were issued to appellant institution. These SCNs were common to a number of institution including the appellant institution. The relevant regulatory file does not contain any reply submitted by the appellant institution in response to these SCNs.

AND WHEREAS Appeal Committee noted the submission, made by appellant, stating that replies were sent to the first SCN dated 20/04/2018 on 09/05/2018 and to the Second SCN dated 18/05/2019 on 24/05/2019. As evidence to have replied the first SCN appellant submitted zerox copy of a receipt of speed post. The second receipt dated 24/05/2019 is from a Private Courier service. On being asked by the Authority, the appellant produced original of the speed post receipt to verify the documents stated to have been sent by appellant alongwith its reply to first S.C.N.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit to ERC copy of all the required documents to ERC within 15 days of the issue of appeal order and on receipt of the required information, ERC shall revisit the matter. The case is remanded back to ERC for reconsideration accordingly.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for considering the compliance which is required to be submitted by appellant institution within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Paramount Teachers Training College, Silout Vimal, 8 & 17 Kudhani, Muzaffarpur, Bihar to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Chairman, Paramount Teachers Training College, Silout Vimal, 8 & 17 Kudhani, Muzaffarpur – 843119, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.

(10)

F.No.89-337/E-133153/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Shaswat Institute of Teacher's Education, Hutup, Irba, Ormanjhi, Ranchi, Jharkhand dated 02/09/2019 is against the Order No. ERC/274.14.86/ERCAPP1051/B.Ed./2019/61382 dated 26.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the ERC in its 274th meeting held on 24th – 25th July 2019 observed that 1st show cause notice u/s 17(1) issued on 21.02.2019, followed by final show cause notice dated 18.05.2019 on the following grounds:- Approved faculty list by the concerned affiliating body along with requisite documents. Approved building plan by the concerned competent Govt. Engineer/Authority. Approved building completion certificate by the concerned Competent Govt. Engineer/Authority. FDRs towards Endowment fund and Reserve fund after conversion into joint operation mode as prescribed in the NCTE Regulations, 2014. Confirmation on website updates of the institutions with all details along with affidavit. No reply received and the stipulated time period has already been over."

AND WHEREAS Sh. Anil Kumar Sharma, Chairman, Shaswat Institute of Teacher's Education, Hutup, Irba, Ormanjhi, Ranchi, Jharkhand presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation it was submitted that the faculty list was approved by Registrar Ranchi University, Ranchi on dt.12/12/2018. Building Plan was approved by Govt. Engineer on 29/07/2016. Building Completion Certificate was approved by Govt. Engineer on dt. 09/01/2017 for FDR towards endowment fund and reserve fund after conversion into joint name Chairman Shaswat Foundation and Regional Director ERC, NCTE, Bhubaneshwar a letter was issued by bank on 07/01/2019. The institution website is always updated ERC, NCTE, Bhubaneshwar not issued any show cause notice any date suddenly issued withdrawal order for academic session 2020-2021. Institution prayers to cancel the withdrawn order session 2020-2021."

AND WHEREAS Appeal Committee noted that appellant institution was granted recognition for conducting B.Ed. course from the academic session 2013-14 and a revised recognition order was also issued on 31/05/2015. Appellant during the course of appeal

hearing on 14/10/2019 denied having received Show Cause Notice (SCN) dated 21/02/2019 and 18/08/2019. Appellant further submitted before Appellate Authority copies of a) list containing the names of Principal and 15 faculty members approved by Registrar, Ranchi University, (b) Building plan approved on 29/07/2016, (c) Building Completion Certificate (BCC) signed by Government Engineer on 09/01/2017 (d) Two FDRs of Rs. 7 lakh and Rs. 5 lakh in joint name and (e) a Print out of website page of appellant institution. All the documents submitted by appellant are observed to been issued by Competent Authority before the date of two Show Cause Notices issued by ERC. Appeal Committee therefore is of the view that appellant institution, in case it had received the SCNs, was in a position to comply with the requirements before issue of the impugned order dated 26/08/2019.

AND WHEREAS Appeal Committee decided that appellant institution is required to submit to ERC copy of all the required documents to ERC within 15 days of the issue of appeal order and on receipt of the required information, ERC shall revisit the matter. The case is remanded back to ERC for reconsideration accordingly.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to ERC for considering the compliance which is required to be submitted by appellant institution within 15 days of the issue of appeal order.

NOW THEREFORE, the Council hereby remands back the case of Shaswat Institute of Teacher's Education, Hutup, Irba, Ormanjhi, Ranchi, Jharkhand to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Chairman, Shaswat Institute of Teacher's Education, Hutup, Irba, Ormanjhi, Ranchi – 835219, Jharkhand.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Jharkhand, Ranchi.

(11)

F.No.89-338/E-133304/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Ambika Institute of Teachers Education, Katthamill, Shivpuri, Madhya Pradesh dated 30/08/2019 is against the Order No. WRC/APP3276/223/287th/2018/194678 dated 01.02.2018 of the Western Regional Committee, granting recognition for one unit for conducting B.Ed. course."

AND WHEREAS Sh. Lokesh Jain, Secretary, Ambika Institute of Teachers Education, Katthamill, Shivpuri, Madhya Pradesh presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation it was submitted that "Letter of intent for B.Ed. program was for 2 basic unit of 50 student each (total of 100) dated on 02/06/2017 order no. 186443 while recognition is grant only 1 basic unit of 50 students dated on 01/06/2018 order no. 194678. Our institution communicated to State Director WRC related to change faculty member according to norms while they can't accept and issue only 1 basic unit of 50 students only so, now we go for appeal at NCTE for 2 basic unit of 100 students. After due procedure institution collect Minority Status Certificate by National Commission of Minority Status Institute New Delhi than we submit MSC at State Director WRC."

AND WHEREAS Appeal Committee noted that a Letter of Intent (L.O.I.) dated 02/06/2017 was issued to appellant institution seeking compliance on certain points inter-alia the requirement of faculty approved by affiliating university. The faculty requirement for grant of recognition for two units of B.Ed. programme is one Principal and 15 academic faculty. The L.O.I. issued was for enabling the institution to seek recognition for two units.

AND WHEREAS on getting the L.O.I., the appellant institution addressed a letter dated 08/07/2017 to Western Regional Committee (WRC) stating that the management of the institution wants to reduce the annual intake to one unit of 50 students. Further to the above request the appellant institution by its compliance letter dated 31/07/2017 submitted list of

faculty approved by affiliating university which was adequate for grant of recognition for only 01 units (50 students). In the compliance letter the appellant institution re-iterated its earlier request stating that the management wants to reduce the annual intake to 50 students.

AND WHEREAS Appeal Committee noted that appellant by its letter dated 06/12/2017 submitted another faculty list containing the names of one Principal and 16 faculty which is observed to be approved on 31/07/2017 with a tag 'Approved for 90 days". The appellant institution in its letter dated 06/12/2017 no where requested WRC to consider its case for grant of recognition for 2 units (100 seats) ignoring its previous request dated 08/07/2017 and 31/07/20417. As a result the recognition order dated 01/02/2018 was for granting recognition for one unit (50 seats).

AND WHEREAS Appeal Committee, therefore, does not find any reason to review the recognition order already issued in February, 2018 for an intake of one unit of B.Ed. course. The impugned recognition order dated 01/02/2018 stands confirmed.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned recognition order dated 01/02/2018 which was for granting recognition for B.Ed. course with an intake of one unit.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

(Sanjay Awasthi)
Member Secretary

1. The Director, Ambika Institute of Teachers Education, A.B. Road Near Katthamill, Shivpuri – 473551, Madhya Pradesh.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(14)

F.No.89-341/E-133599/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Shree Ramakrishna B.T. College, Gandhi Road, Darjeeling, West Bengal dated 30/08/2019 is against the Order No. ER-274.14.56/(WB-S/E-5/1996 & APE00729)/B.Ed./2019/61283 dated 20.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the ERC in its 274th meeting held on 15th – 16th July, 2019 considered that 1st show cause notice u/s 17(1) issued on 15.05.2018, followed by final show cause notice dated 14.12.2018 and the institution is still deficient on the following grounds:- Faculty list is not as per NCTE Regulations, 2014 as only 5 faculties are regular and 2 part-time, Required faculties (1+5) qualified as per NCTE Regulations, 2014 need to be appointed and list of fresh faculty duly approved by the affiliating body is to be submitted. Total land area and built-up area not mentioned in the building plan. Building Completion Certificate is not in the NCTE prescribed proforma and not approved by Govt. Engineer. FDRs Rs. 5 lakh & Rs. 7 lakh towards endowment and reserve fund in joint operation mode as per NCTE Regulations, 2014 are not submitted. Website not mentioned and updated. No reply received and the stipulated time period has already been over. In view of the above, the Committee decided as under: Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-21."

AND WHEREAS Dr. Surendra Pradhan Shrestha, Principal, Shree Ramakrishna B.T. College, Gandhi Road, Darjeeling, West Bengal presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation it was submitted that "The College at present has 7+1 faculty members as per NCTE Regulations, 2014. The college have and had been running only one unit of 50 intake instead of 100 intake (two units) from academic session 2015-2016 onwards till date, due to shortage of teaching faculty members (as per NCTE Norms and Regulations, 2014). We had run 02 units during the Academic Session 2014-2015 only. We have submitted faculty list duly authenticated by the Affiliating University (WBUTTEPA). Total land area of

1.6378 acres and built up areas of 11433 sq. ft. is mentioned in the building plan duly signed by the Govt. Engineer. The college has submitted Land Utilization Certificate duly signed by the SDLLRO, Darjeeling, Memo No. 1071/.../SDLLRO/DJ- Dated 19.10.2006. The college has submitted Building Completion Certificate duly approved by the Govt. Engineer as per NCTE prescribed proforma. It appears from NCTE Regulations, 2014 that FDRs towards Endowment Fund and Reserve Fund amounting Rs. 5 lakh and Rs. 7 lakhs respectively are not applicable for the Govt. and Govt. Aided Institution, if they do not run any programme on Self Financing basis (NCTE Regulation, 2014 pages No. 97, Sl. No. 10, Annexure-4). However, the college has deposited FDRs of Rs. 5 lakh and Rs. 7 lakhs towards Endowment Fund and Reserve Fund in joint operation mode. The copy of which is submitted to the Regional Director, Eastern Regional Committee, National Council for Teacher Education, Bhubaneswar vide memo No. 10638/-08/2019, dated. 07.08.2019. Website (www.srbtcdarjeeling.com) is updated and being maintained."

AND WHEREAS Appeal Committee noted that appellant institution was granted recognition for conducting B.Ed. course in the year 2001 and a revised recognition order as per NCTE Regulations, 2014 was issued on 26/05/2015 for an intake of 100 seats from academic session 2015-16. Clause 8 (11) of the NCTE Regulation, 2014 lays down that *"wherever there are changes in the Norms and Standards for a programme in teacher education, the institution shall comply with the requirements laid down in the revised Norms and Standards immediately. However, the revised land area related norms shall not be applicable to the existing institutions, but the required built up area shall have to be increased by existing institutions to conform to the revised norms and the institutions not having land area as per the revised norms, shall not be allowed to expand by way of additional programme or additional intake."*

AND WHEREAS Appeal Committee noted that Principal of the appellant institution on behalf of the management submitted an affidavit dated 23/01/2015 stating that the management had studied the NCTE (Recognition Norms and Procedure) Regulations, 2014 carefully and understood their implications. It was further stated in the affidavit that management shall fulfil the norms within the time limit allowed. On the basis of willingness conveyed by the institution revised recognition order, which was subject to fulfilment of certain conditions was issued.

AND WHEREAS Non fulfilment of the conditions as per Norms and Standards laid down in NCTE Regulation, 2014 led to issue of two Show Cause Notice (SCNs) on 15/05/2018 and

14/12/2018. Appellant institution replied to first S.C.N. on 11/06/2018 but the reply furnished was found not to be satisfactory and compliant to the NCTE Regulations. As regards S.C.N. dated 14/12/2018, Appeal Committee observed that 5 deficiencies were pointed out. Appellant institution submitted a reply dated 04/04/2019 but again the deficiencies were not fully rectified. In brief the appellant institution needs to appoint faculty corresponding to the intake of 100 seats mentioned in the revised recognition order. The built up area for which B.C.C. was submitted by appellant is also inadequate as per NCTE norms.

AND WHEREAS Appeal Committee noted that appellant institution is still not having faculty (1 + 15) corresponding to the intake mentioned in the revised recognition order. The appellant did not make any formal request to ERC for reduction in the intake from 2 units to one unit. Less number of admissions in any particular academic year do not automatically curtail the requirement of faculty which an institution is required to maintain as per NCTE Regulations, 2014 (Norms and Standards). Appellant institution is also short of built up area required as per NCTE norms. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 20/08/2019.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the ERC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the ERC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Shree Ramakrishna B.T. College, Gandhi Road, Darjeeling – 734101, West Bengal.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

(15)

F.No.89-342/E-133751/2019 Appeal/30th Mtg.-2019/14th October, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 25/10/2019

ORDER

WHEREAS the appeal of Manjula Mallesh College of Education, Nagarabhavi Road, Bangalore, Karnataka dated 12/09/2019 is against the Order No. SRO/NCTE/APSO2268/KA/2019/106337 dated 01.07.2019 of the Southern Regional Committee, granting recognition for conducting for B.Ed. Course on the grounds that "with reference to the subject mentioned above it is to inform that the case of the institution was placed before SRC in its 376th Meeting held on 11th & 12th June, 2019 and the Committee decided as under:- As directed by the Hon'ble High Court of Karnataka the management of Manjula Mallesh College was given an opportunity to present all documents required for consideration of revoking the withdrawal of recognition issued vide letter no. 19.10.2016. The management could not meet the requirements for the reconsidering the issue of revoking the withdrawal order. Therefore, after careful consideration of documents presented, the SRC confirmed the withdrawal order issued on dt. 19.10.2016. The same may be informed to the Hon'ble High Court by the standing counsel and also to the Registrar of the affiliating University and Secretary (Education) to the Government, Karnataka State."

AND WHEREAS Smt. Manjula Mallesh, Chairman, Manjula Mallesh College of Education, Nagarabhavi Road, Bangalore, Karnataka presented the case of the appellant institution on 14/10/2019. In the appeal and during personal presentation it was submitted that "SRC has earlier withdrawn recognition of our institution stating that land is in the name of the individual. Whereas Hon'ble High Court of Karnataka in W.P. 22511/2018 and 11995-12092/2019 has quashed the order of SRC and directed SRC to consider the request for renewal of recognition. After personal hearing by SRC on 12.06.2019 has issued a simple letter stating that institution could not meet requirements whereas our institution is having all the documents as per NCTE Norms. The land is registered in the name of the trust, 1858 sq. mtrs. built-up area is available for an intake of 50 students which is more than NCTE requirements. All other documents are also available. In spite of having all documents SRC has decided not to consider the renewal of recognition."

AND WHEREAS Appeal Committee noted that a withdrawal order dated 19/10/2016 was issued by Southern Regional Committee (SRC) withdrawing recognition for offering secondary (B.Ed.) course granted to the institution in 2005. The withdrawal order was on the following grounds:-

> *"The institution does not have title to the properties. The land and building admittedly, are owned by an individual. This is an incurable deficiency which should have come in the way of accord of recognition much earlier. We had given an SCN accordingly on 18/07/2016. The reply received is not at all satisfactory or acceptable. Withdraw recognition w.e.f. 2016-17."*

AND WHEREAS Appeal Committee further noted that on directions of Court, SRC reconsidered the representations made by appellant institution and decided that there is no scope for revival of recognition in this case. The decision dated 19/10/2016 to withdraw recognition was reaffirmed by SRC by issue of a letter dated 16/09/2017.

AND WHEREAS Appeal Committee noted that appellant institution has now preferred an appeal under Section 18 of the NCTE Act taking shelter of an order dated 16/04/2019 of the Hon'ble High Court of Karnataka, Bangalore. Hon'ble High Court in this order has quashed the order issued by SRC on 19/10/2016 and subsequent letter reaffirming the withdrawal of recognition on 16/09/2017. Hon'ble High Court in its order has subsequently ruled that the petitioner institute is at liberty to file the requisite application seeking renewal of recognition in view of the substantial compliance of Regulations, 2014 as contended. The request of renewal of the recognition shall be considered by NCTE in accordance with law after providing opportunity of hearing to the petitioner.

AND WHEREAS SRC after reconsidering the matter in light of the order dated 16/04/2019 in W.P. Case No. 2251 of 2018 issued another letter dated 01/07/2019 to the appellant institution. In this letter dated 01/07/2019 which is now the subject of appeal as impugned letter, SRC confirmed the original withdrawal order dated 19/10/2016.

AND WHEREAS Appeal Committee is of the opinion that an order which has already been quashed by High Court cannot be confirmed. As a matter of legal propriety, SRC should have taken on record all the submissions made by the petitioner and after according him a

reasonable opportunity to present its case in person, should have issued a reasoned order afresh. After considering the submission made by petitioner in accordance with the directions given by Hon'ble High Court, SRC is required to revisit the matter and issue appropriate order afresh.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that after considering the submission made by petitioner in accordance with the directions given by Hon'ble High Court, SRC is required to revisit the matter and issue appropriate order afresh.

NOW THEREFORE, the Council hereby remands back the case of Manjula Mallesh College of Education, Nagarabhavi Road, Bangalore, Karnataka to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Manjula Mallesh College of Education, Nagarbhavi, Nagarabhavi Road, Bangalore – 560072, Karnataka.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.