(1)

F.No.89-198/E-118286/2019 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Devi Rukmani Mahavidyalaya, Bistan Road, Khargone, Madhya Pradesh dated 22/05/2019 is against the Order No. WRC/APW00613/223155/B.Ed./306th /2019/203306 dated 09.05.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the revised recognition order was issued to the institution on 28.05.2015. The Show Cause Notice was issued to the institution 17.08.2016. The institution has submitted reply of Show Cause Notice on 24.08.2016. On perusal of the reply of the institution, it is observed that the institution has not submitted following documents: The institution has not submitted letter granting approval of the selection or appointment of faculty issued by the affiliating body as per NCTE Regulations 2014. The institution has not submitted original staff profile as per NCTE Amendment Regulations 2017. The institution has not submitted land use certificate issued by the competent authority. The institution has not submitted NEC issued by the competent authority. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act, 1993 for B.Ed. programme with effect from the end of the academic session next following the date of communication of the said order."

AND WHEREAS the appellant filed a W.P. (C) 5363/2019 & CM Appls. 23627/2019 and 23628/2019 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 16/05/2019, disposed of the Writ Petition, with a direction to the petitioner to approach the Appellate Authority and file an appeal before it within seven days and such appeal, if filed, shall be considered by the Appellate Authority in its next meeting, the date of which would be communicated to the petitioner on its email Ids. The Hon'ble High Court also directed that pending

decision of the Appellate Authority, the operation of the impugned decision shall remain stayed.

AND WHEREAS Sh. Praveen Ratoria, Secretary, Devi Rukmani Mahavidyalaya, Bistan Road, Khargone, Madhya Pradesh presented the case of the appellant institution on 13/06/2019. In the appeal and during personal presentation it was submitted that "letter by the institution no. 29/2016 dated submitted 11/05/2019, Formerly the letter of staff profile selected by the University was not issued. Letter by the institution no. 130/2016 Date submitted on 23/08/2016. Letter by the institution no. DRM / 131/2015 dated submitted 28/10/2015." The appellant, with their appeal submitted a copy of the letter dt. 10/05/2019 from the Registrar, Devi Ahilya University, Indore together with the faculty list countersigned by the Registrar; a copy of the land conversion certificate dt. 23/01/2018 issued by the Sub-Divisional Officer, Khargon, Madhya Pradesh and a copy of Non – Encumbrance Certificate dt. 23/07/2015 issued by Sub Registrar, Khargon, Madhya Pradesh.

AND WHEREAS the Committee, noting that the appellant submitted the documents found wanting in the withdrawal order and the original approved staff profile is already available in the file, concluded that the matter deserved to be remanded to the WRC with a direction to consider the remaining documents mentioned in para 3 above, to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the remaining documents mentioned in para 3 above, to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC the documents submitted in appeal, with

originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Devi Rukmani Mahavidyalaya, Bistan Road, Khargone, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Devi Rukmani Mahavidyalaya, Bistan Road, Khargone – 451001, 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.

(2)

F.No.89-199/E-118205/2019 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Jesus The Saviour of Nations (JETSON) Christ Centre, College of Education, Gangubudi, Lakkavarapu Kota, Andhra Pradesh dated 16/05/2019 is against the Order No. SRO/NCTE/SRCAPP2771 /B.A.B.Ed/AP/2019/103008 dated 05.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.A. B.Ed. Course on the grounds that "the Committee perused the reply received from Jesus the Savior of Nations (Jetson) College of Education, S.No. 55P & S.No.52-3P, 01-2 Street, Gangubudi Village & Post, Lakkavarapukota Taluk, Christ Centre City, Vizianagaram District – 535183, Andhra Pradesh in response to the Show Cause Notice issued on 13.11.2018. It is observed that the Management instead of furnishing the information sought in the Show Cause Notice dated 13.11.2018 simply addressed a letter with some misleading information. Further, the Committee is of the view that it is the right to obtain the information from any recognized institution at any point of time. Whereas, the institution under reference is not willing to share the information sought for. Viewing it as lapse on the part of the institution it is decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS the appellant filed a Writ Petition No. 4826 of 2019 before the Hon'ble Court of Andhra Pradesh against the decision taken by the SRC in their 373rd meeting held on 26-27 March, 2019 to withdraw their recognition. The Hon'ble High Court, in their order dt. 08/04/2019, disposed of the petition directing that the petitioners may prefer an appeal under Section 18 of the NCTE Act, 1993, in case if any order is passed against the petitioner in pursuance of the show cause notice dt. 13/11/2018. The Hon'ble High Court also directed that the respondents shall not initiate any coercive action pursuant to the Show Cause Notice dt. 13/11/2018 for a

limited period of eight weeks to enable the petitioner's college to approach the appellate authority.

AND WHEREAS Sh. Dogga A. Jagannadha Rao, Managing Trustee, Jesus The Saviour of Nations (JETSON) Christ Centre, College of Education, Gangubudi, Lakkavarapu Kota, Andhra Pradesh presented the case of the appellant institution on 13/06/2019. In the appeal and during personal presentation it was submitted that (i) they submitted all the required documents in respect of their application for grant of recognition for B.A. B.Ed./B.Sc. B.Ed.; (ii) after an inspection of their institution a Letter of Intent was issued on 16/02/2016; (iii) Andhra University i.e. their affiliating body approved the faculty; (iv) the appellant submitted compliance of the Letter of Intent and formal recognition was issued on 29/04/2016; (v) after receipt of show cause notice dt. 13/11/2018, the appellant replied on 08/12/2018 and again on 31/12/2018; (vi) since their institution was established after verification of infrastructural and instructional facilities, S.R.C was not within its power to issue a show cause notice without a re-inspection or surprise inspection; and (vii) SRC arbitrarily withdrew recognition vide order dt. 05/04/2019 without compliance of Section17 of the NCTE Act, 1993.

AND WHEREAS the Committee noted that the SRC issued the Show Cause Notice dt. 13/11/2018 in pursuance of the advice contained in NCTE, New Delhi letter dt. 04/10/2018. It is seen from this letter that the provisions of Section 17 of the NCTE Act, 1993 were duly considered before issuing that letter. The Committee noted that the appellant, in their letter dt. 02/12/2018, instead of furnishing information called for in the show cause notice for a proper examination of the matter by the SRC, made some observations about invocation of Section 17 of the NCTE Act and forwarded a copy of the status report of the Regional Joint Director of School Education, Kakinada on inspection of the appellant institution on 04/06/2016, in which he recommended permission to start B.A. B.Ed. and B.Ed. courses during 2016-17.

AND WHEREAS the Committee noted that, as observed by the SRC in their withdrawal order dt. 05/04/2019, the appellant did not furnish the information sought in

the show cause notice dt. 13/11/2018. In these circumstances, the Committee concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC confirmed.

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 SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Jesus The Saviour of Nations (JETSON) College of Education, Gangubudi, 1-2, Lakkavarapu Kota, Christ Centre – 535183, Andhra Pradesh.
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 Andhra Pradesh, Hyderabad.

(3)

F.No.89-200/E-118203/2019 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Jesus Dogga College of Education, Cheepuruvalsa, Kottavalasa, Andhra Pradesh dated 16/05/2019 is against the Order No. SRO/NCTE/SRCAPP2778/B.Sc.B.Ed./AP/2019/102898 dated 05.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Sc. B.Ed. Course on the grounds that "The Committee perused the reply received from Jesus Dogga College of Education, No. 53-9P, Cheepuruvalsa Village, Kottavalasa Post, Vizianagaram District – 535183, Andhra Pradesh in response to the Show Cause Notice issued on 13.11.2018. It is observed that the Management instead of furnishing the information sought in the Show Cause Notice dated 13.11.2018 simply addressed a letter with some misleading information. Further, the Committee is of the view that it is the right to obtain the information from any recognized institution at any point of time. Whereas the institution under reference is not willing to share the information sought for. Viewing it as lapse on the part of the institution it is decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS the appellant filed a Writ Petition No. 4826 of 2019 before the Hon'ble High Court of Andhra Pradesh against the decision taken by the SRC in their 373rd meeting held on 26-27 March, 2019 to withdraw their recognition. The Hon'ble High Court, in their order dt. 08/04/2019, disposed of the petition, directing that the petitioners may prefer an appeal under Section 18 of the NCTE Act, 1993 in case if any order is passed against the petitioner in pursuance of the show cause notice dt. 13/11/2018. The Hon'ble High Court also directed that the respondents shall not initiate any coercive action pursuant to the show cause notice dt. 13/11/2018 for a limited period of eight weeks to enable the petitioner's college to approach the appellate authority.

AND WHEREAS Sh. Dogga A. Jagannadha Rao, Managing Trustee, Jesus Dogga College of Education, Cheepuruvalsa, Kottavalasa, Andhra Pradesh presented the case of the appellant institution on 13/06/2019. In the appeal and during personal presentation it was submitted that (i) they submitted all the required documents in respect to their application for grant of recognition for B.A. B.Ed./B.Sc. B.Ed.; (ii) after an inspection of their institution a Letter of Intent was issued on 02/02/2016; (iii) Andhra University i.e. their affiliating body approved the faculty; (iv) the appellant submitted compliance of the Letter of Intent and formal recognition was issued on 29/04/2016; (v) after receipt of show cause notice dt. 13/11/2018, the appellant replied on 08/12/2018 and again on 31/12/2018; (vi) since their institution was established after verification of infrastructural and instructional facilities, S.R.C was not within its power to issue a show cause notice without a re-inspection or surprise inspection; and (vii) SRC arbitrarily withdrew recognition vide order dt. 05/04/2019 without compliance of Section17 of the NCTE Act, 1993.

AND WHEREAS the Committee noted that the SRC issued the Show Cause Notice dt. 13/11/2018 in pursuance of the advice contained in in NCTE, New Delhi letter dt. 04/10/2018. It is seen from this letter that the provisions of Section 17 of the NCTE Act, 1993 were duly considered before issuing that letter. The Committee noted that the appellant, in their letter dt. 08/12/2018, instead of furnishing information called for in the show cause notice for a proper examination of the matter by the SRC, made some observations about invocation of Section 17 of the NCTE Act and forwarded a copy of the status report of the Regional Joint Director of School Education, Kakinada on inspection of the appellant institution on 04/06/2016, in which he recommended permission to start B.Sc. B.Ed. courses during 2016-17.

AND WHEREAS the Committee noted that, as observed by the SRC in their withdrawal order dt. 05/04/2019, the appellant did not furnish the information sought in the show cause notice dt. 13/11/2018. In these circumstances, the Committee

concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC confirmed.

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 SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Jesus Dogga College of Education, Cheepuruvalsa, 3-5, Kottavalasa – 535183, Andhra Pradesh.
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 Andhra Pradesh, Hyderabad.

(5)

F.No.89-202/E-118235/2019 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Gangarampur B.Ed. College, Raghunathbati, Kaldighi, Gangarampur, West Bengal dated 16/05/2019 is against the Order No. ER-268.14(i)/64(Part2)/APE00551/B.Ed./2019/60151 dated 10.04.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "show cause notices were issued on 15.05.2018 and 22.01.2019. Faculty list comprising 1+10 instead of 1+15 as per NCTE Regulations, 2014. The institution is still deficient in compliance of appointment of required faculty. No more extension of time is allowed by the Committee. In view of the above, the Committee decided as under: The Committee is of the opinion that recognition granted to B.Ed. course of the application bearing Code No. APE00551 is withdrawn under section 17(1) of NCTE Act, 1993 with effect from the academic session 2019-20."

AND WHEREAS Dr. Indumati Rai, Secretary and Sh. Amit Kumar Saha, Librarian, Gangarampur B.Ed. College, Raghunathbati, Kaldighi, Gangarampur, West Bengal presented the case of the appellant institution on 13/06/2019. In the appeal and during personal presentation it was submitted that they have been continuously pursuing with the affiliating body for appointment of the required faculty members. Earlier the affiliating university was nearest to the institution, but after the establishment of West Bengal University of Teacher's Training, Education Planning and Administration there is a stalemate situation prevailing. Further the appointment process was withheld due to the Lok Sabha Elections, 2019. The appellant enclosed copies of their correspondence with the West Bengal University of Teacher's Training, Education Planning and Administration for getting the faculty selected and approved. The appellant, in the course of presentation, with their letter dt. 13/06/2019, submitted

a copy of the faculty list of 15 members duly countersigned by the Registrar of the affiliating university on 12/06/2019.

AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the approved faculty list, to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the approved faculty list within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the matter deserved to be remanded to the ERC with a direction to consider the approved faculty list, to be submitted to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the approved faculty list within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Gangarampur B.Ed. College, Raghunathbati, Kaldighi, Gangarampur, West Bengal to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Gangarampur B.Ed. College, Raghunathbati, Kaldighi, Gangarampur – 733124, 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.

(6)

F.No.89-823/E-96972/2018 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Utkarsh T.T. College, Hantra, Nadbai, Rajasthan dated 18/11/2018 is against an Order No. Nil dated Nil. The appellant has not enclosed a copy of the order appealed against.

AND WHEREAS Utkarsh T.T. College, Hantra, Nadbai, Rajasthan was asked to present the case of the appellant institution on 26/02/2019, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS the appellant filed a S.B. Civil Writ No. 24236/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 30/10/2018, closed writ proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Santosh Kumar, Secretary, Utkarsh T.T. College, Hantra, Nadbai, Rajasthan presented the case of the appellant institution on 13/06/2019 i.e. the second opportunity granted to them. The appellant submitted a copy of the Letter F. No. APP/RJ/265/2017/169481 dt. 23/03/2017 of the NRC against which they appealed. The N.R.C., with this letter, returned the application of the appellant for grant of recognition for B.Ed. course on the following ground : "In cases where

institutions have submitted the applications by offline mode along with court orders and where no processing has been initiated by N.R.C., all such applications be returned to the institutions along with all documents as they have not submitted the application as per Clause 5 of the NCTE Regulations, 2014.

AND WHEREAS the appellant, in their appeal, submitted that the N.R.C. has grossly erred by refusing the application of your appellant on this ground since, this application was submitted on 27/10/2008 in accordance with the NCTE (Recognition, Norms Procedure) Regulations, 2007 (Notified on 10/12/2007 and in vogue till 30/08/2009). The uniform application processing fee of Rs. 41, 000/- has been submitted a/w the application in the form of Demand Draft in f/o NRC, NCTE, Jaipur. It is a matter of record that the provision of submission of application through online mode was not stipulated therein. This rejection ground is defunct, unjust and in contravention of principle of natural justice. It is pertinent to mention that a majority of institutions of Rajasthan have approached the Hon'ble High Court of Rajasthan judicature at Jaipur/Jodhpur against the arbitrary negative recommendations of the State Government of Rajasthan relying whereupon the NRC has made mass refusal of applications arbitrarily. Therefore, this application submitted in 2008 has been revived consequent upon the directions of the Hon'ble High Court. A number of certain identical matters where the institutions have filed appeal before the Appellate Authority at NCTE Hqrs. the decision of NRC have been reversed by the Hon'ble Appellate Authority while rejecting the ground of negative recommendation of the State Government. The apathy of NRC can be ascertained with the fact that the application was submitted by your appellant in the year 2008 which has been rejected/refused by NRC time and again on flimsy grounds. Even after a lapse of 10 years your appellant is having the refusal order from NRC. The Hon'ble Appellate Authority shall appreciate that the action of NRC to refuse the application of your appellant on the grounds mentioned in the Refusal Order are arbitrary, unjust and unlawful. It is a sheer contravention of the NCTE Regulations and a clear violation of the powers vested to the Regional Committee under the NCTE Act. The Appellate Authority will further appreciate the fact that your appellant has already complied with all the

requisite conditions stipulated in the NCTE Regulation, Norms and Standard therefore, the inspection of the institution has been conducted by the NRC. Moreover, at the time of submission of application your Appellant had fulfilled the mandatory condition stipulated in the NCTE Regulations, 2007 prevailing at that time. The supporting documents in respect of the same are also submitted for kind perusal of the Hon'ble Appellate Authority. Further, as mentioned above since, the application was submitted in the year 2008, wherein the provision of obtaining NOC from the affiliating body was not stipulated therefore, the NRC should not insist upon the same. Moreover, your appellant has already submitted two applications for D.El.Ed. and B.Ed. course therefore, the NRC cannot state that the institution does not fulfil the requirement of composite institution stipulated in the NCTE Regulations, 2014.

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 their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

AND WHEREAS in view of the above categorical decision of the Council, 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.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, 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, Utkarsh T.T. College, Hantra, NH-21, Nadbai – 321601, 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.

(7)

F.No.89-831/E-97172/2018 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Shri Guru Nanak Khalsa Shikshak Prashikshan Mahavidyalaya, Hanumangarh, Rajasthan dated 22/11/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-6614/2013-14/47247 dated 07.06.2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 the appellant, aggrieved by the letter of the N.R.C, filed a S.B. Civil Writs No. 25084/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 13/11/2018, closed writ proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Shri Guru Nanak Khalsa Shikshak Prashikshan Mahavidyalaya, Hanumangarh, Rajasthan was asked to present the case of the appellant institution on 26/02/2019. The appellant, in their letter dt. 21/02/2019, stating that due to some unavoidable circumstances, they will not be able to attend the hearing on 26/02/2019, requested a next date for the hearing. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Sh. Anurag Bishu, Manager, Shri Guru Nanak Khalsa Shikshak Prashikshan Mahavidyalaya, Hanumangarh, Rajasthan presented the case of the appellant institution on 13/06/2019 i.e. the second opportunity granted to them. The appellant in their appeal and in a letter dt. 11/06/2019 submitted that (i) they submitted an online application for grant of recognition of D.El.Ed. course on 30/12/2012 and the respondent returned the application in the absence of recommendations of State Government of Rajasthan with their letter dt. 07/06/2013 on the grounds mentioned therein; (ii) the 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 dtd. 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 applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. A copy of the Appeal order dated 27/11/2017 is annexed; (iii) the NCTE has already granted recognition to several institutions for D.El.Ed. course in similar cases. Another copy of Appeal order titled Sadguru Education Institution, Order No. F. No. 89-501/E-82628/2018 Appeal/16th Mtg., 2018 23rd and 24th August, 2018 is enclosed; (iv) the respondent had already granted recognition to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016, copy enclosed; (v) the act of the respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (vi) the respondent Committee did not issue a Show Cause Notice to the appellant institution before passing an adverse / rejection order, providing a reasonable opportunity to the institution for making a written representation under Section 14 (3) (b) of the NCTE Act, 1993; and (vii) the appellant made necessary arrangements with regard to physical infrastructure and other facilities, but their application has been returned in a most arbitrary manner, thereby making the rejection order bad in the eye of law and thus liable to be quashed and set aside.

AND WHEREAS the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in their 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 their 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. The Committee also noted that in view of the N.R.C. returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application exists as of now. 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.

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 5 & 6 above 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 Manager, Shri Guru Nanak Khalsa Shikshak Prashikshan Mahavidyalaya, Word No. 12, Sector-12, Hanumangarh – 335512, 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.

(10)

F.No.89-849/E-98272/2018 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of S.R. Teachers Training School, Lalya Ka Bas, Ajmer Road, Sanganer, Jaipur, Rajasthan dated 30/11/2018 is against the Letter No. Old App/NRCAPP-7771/146/2017/169122 dated 14.03.2017 of the Northern Regional Committee, thereby returning the application seeking recognition for D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS the appellant, aggrieved by the Letter of the NRC filed a S.B. Civil Writs No. 25375/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 28/11/2018, closed write proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible in accordance with law.

AND WHEREAS S.R. Teachers Training School, Lalya Ka Bas, Ajmer Road, Sanganer, Jaipur, Rajasthan was asked to present the case of the appellant institution on 27/02/2019 but nobody appeared for the appeal presentation.

AND WHEREAS as per extant appeal rules, an appellant can be given three opportunities to present its case before Appeal Committee in case it is not able to

make appearance on the first and second occasion. Appeal Committee, therefore, decided to grant a second opportunity to appellant.

AND WHEREAS Sh. Kojadmaljat, Secretary, S.R. Teachers Training School, Lalya Ka Bas, Ajmer Road, Sanganer, Jaipur, Rajasthan presented the case of the appellant institution on 13/06/2019 i.e. the second opportunity granted to them. The appellant, in their appeal submitted that (i) they submitted an online application for grant of recognition of D.El.Ed. course on 31/12/2012 and their application was returned with N.R.C's letter dt. 07/06/2013; (ii) aggrieved by the decision of N.R.C., they filed S.B. C.W.P. No. 8373/2016 before the Hon'ble Rajasthan High Court Jaipur, which was disposed of on 24/06/2016; (iii) the appellant thereafter submitted a representation to the respondent on 29/06/2016 requesting consideration of their file; but the respondent returned their file with their letter dt. 14/03/2017; (iv) NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE's Regulation under which the application was submitted offline. There was virtual impossibility in submitting the application online and after directions of Hon'ble Court the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in other identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/ 15th Meeting - 2017 dt. 16.10.2017 titled "St. Meera T.T. College" directed the NRC to process further the application on the ground that ...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i.e. one month, which is a virtual impossibility due to closure of NCTE portal." (v) in the similar matter while disposing of the appeals u/s 18 of NCTE Act, 1993, the appellate authority in its 6th Meeting, the controversy was settled by the Appellate Authority vide orders dt. 05/06/2018 and one of the order of Sorabh College of Teacher Training, Sawai Madhopur, Rajasthan is annexed herewith; (vi) the respondent had already granted recognition to several institutions ignoring the above

said shortcomings vide order dt. 26/08/2016, copy enclosed; (vii) the act of respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (viii) the respondent Committee did not issue a Show Cause Notice before passing an adverse/rejection order, providing a reasonable opportunity to the institution for making a written representation under Section 14 (3) (b) of the NCTE Act, 1993; (ix) the decision of the N.R.C. and the impugned order of the N.R.C. is neither reasoned nor speaking; and (x) the appellant made necessary arrangements with regard to physical infrastructure and other facilities, but their application has been returned in a most arbitrary manner, making the rejection order bad in the eye of law and thus liable to be quashed and set aside. The appellant, in a letter dt. 13/06/2019 made a reference to the orders of the Hon'ble High Court of Delhi dt. 31/10/2018 stating that they cannot be applied to the State of Rajasthan.

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 their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

AND WHEREAS in view of the above categorical decision of the Council, 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.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, 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, S.R. Teachers Training School, Lalya Ka Bas, Ajmer Road, Sanganer, Jaipur – 302026, 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.

(11)

F.No.89-854/E-98790/2018 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Kamla Kelvani Mandal College of Education, Pilvai, Vijapur, Gujarat dated 10/10/2018 is against the Order No. WRC/APW02692/323322/B.Ed./Guj./296th/2018/199700 dated 31.08.2018 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the case file was seen. After the issue of Show Cause Notice, compliance letter was issued to the institution on 21.02.2018. The institution vide reply dated 15.07.2018 has submitted a staff profile of 1+16 faculty members signed by Registrar with the comment that approvals are in process implying thereby that they are not being appointed."

AND WHEREAS Kamla Kelvani Mandal College of Education, Pilvai, Vijapur, Gujarat was to present the case of the appellant institution on 27/02/2019 but nobody appeared. In the appeal memoranda it was submitted that WRC accepted our 1 plus 16 faculty members signed by the Registrar in the 288th meeting dated 15-16 Feb. 2018. We never submitted staff profile in our letter dated 15.07.2018 but in this letter we submitted BCC and FDRs. WRC once accepted our staff profile in February 2018 and withdrawn our recognition in August 2018 with reference our letter dated 15.07.2018 which has no staff profile."

AND WHEREAS as per extant appeal rules, three opportunities can be provided to an appellant institution to make personal presentation in case it fails to appear on first two occasions. Appeal Committee decided to grant another (second) opportunity to the appellant to make personal presentation of its case before Appeal Committee.

AND WHEREAS Sh. Hem, Director and Sh. Sanjay, Representative, Kamla Kelvani Mandal College of Education, Pilvai, Vijapur, Gujarat presented the case of the appellant institution on 13/06/2019 i.e. the second opportunity granted to them. The appellant, with their letter dt. 13/06/2019, submitted a copy of the staff profile countersigned by the I/c Registrar, Hemchandracharya North Gujarat University, Patan; a copy of the Building Completion Certificate issued by the Deputy Executive Engineer, Panchayat R & B Division, Vijapur and copies of three FDRs for Rs. 4 lakhs Rs. 3 lakhs and Rs. 5 lakhs, jointly held with the Regional Director, W.R.C, with maturity date being 13/06/2023.

AND WHEREAS the Committee noted from the file of the WRC that the appellant, with their letter dt. 15/07/2018, sent to the WRC, a notarised copy of the Building Certificate issued by a Government Engineer and copies of three FDRs mentioned in para 4 above. These documents are available in the file. No staff profile has been sent with the letter dt. 15/07/2018.

AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the approved staff profile to be submitted by the appellant to them and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC all the documents submitted in appeal, in original, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the documents to be submitted by the appellant to them and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the WRC

all the documents submitted in appeal, in original, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Kamla Kelvani Mandal College of Education, Pilvai, Vijapur, Gujarat to the WRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Kamla Kelvani Mandal College of Education, Pilvai, College Road, Vijapur – 382850, Gujarat.
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 Gujarat, Gandhinagar.

(15)

F.No.89-888/E-100497/2018 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Mahatma Jyotirao Phule B.S.T.C. College, Bahal Road, Rajgarh, Rajasthan dated 16/12/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9579/2013-14/50885 dated 21.06.2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 the appellant, aggrieved by the letter of the N.R.C., filed a S.B. Civil Writs No. 25374/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 28/11/2018, closed writ proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Mahatma Jyotirao Phule B.S.T.C. College, Bahal Road, Rajgarh, Rajasthan was asked to present the case of the appellant institution on 28/02/2019, but nobody from the institution appeared. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Sh. Sunil Kumar, Member, Mahatma Jyotirao Phule B.S.T.C. College, Bahal Road, Rajgarh, Rajasthan presented the case of the appellant institution on 13/06/2019 i.e. the second opportunity granted to them. The appellant, in their appeal, submitted that (i) they submitted an online application for grant of recognition of D.El.Ed. course on 31/12/2012 and the respondent returned their application in absence of recommendations of State Government of Rajasthan with their letter dt. 21/06/2013 on the grounds mentioned therein; (ii) the 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 years (s). Once applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. A copy of Appeal order dated 27/11/2017 is annexed; (iii) in the similar matter while disposing of the appeals u/s 18 of NCTE Act, 1993, the appellate authority in its 15th Meeting. The controversy settled by the Appellate Authority vide orders dt. 24/09/2018 and two orders titled Sardar Bhagat Singh Shikshan Sansthan & Modern BSTC College are annexed; (iv) the respondent had already granted recognition to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016, copy enclosed; (v) the act of respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (vi) the respondent Committee did not issue a Show Cause Notice to the appellant institution before passing an adverse/rejection order, providing a reasonable opportunity to the institution for making a written representation under Section 14 (3) (b) of the NCTE Act, 1993; and (vii) the appellant made necessary arrangements with regard to physical infrastructure and other facilities, but their application for grant of recognition has been returned in a most arbitrary manner, thereby making the rejection order bad in the eye of law and thus liable to be quashed and set aside. The appellant in a letter dt. 11/06/2019 submitted that the Hon'ble Delhi High Court's order dt. 31/10/2018 cannot be made applicable to Rajasthan; and the Government of Rajasthan in their letter dt. 01/01/2018 decided to issue NOC for D.El.Ed. course and the Director, Primary Education, Bikaner in their order dt. 27/03/2019, copy enclosed, has issued NOC to various institutions, including the appellant institution.

AND WHEREAS the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in their 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 their 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. The Committee also noted that in view of the N.R.C. returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application exists as of now. 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.

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 positions stated in paras 5 & 6 above 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, Mahatma Jyotirao Phule B.S.T.C. College, Bahal Road, Rajgarh – 331023, 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.

(16)

F.No.89-889/E-100487/2018 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of P.N.T.C. Educational Institute, Guleriya Highway, Sujangarh, Rajasthan dated 16/12/2018 is against the Letter No. New Appl./RF/Raj./NRCAPP-9557/2013-14/48884 dated 13.06.2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "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 Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it 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 the appellant, aggrieved by the Letter of the N.R.C, filed a S.B. Civil Writs No. 25383/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 28/11/2018, closed writ proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS P.N.T.C. Educational Institute, Guleriya Highway, Sujangarh, Rajasthan was asked to present the case of the appellant institution on 28/02/2019, but nobody from the institution appeared. The Committee decided to give the appellant opportunity i.e. the second opportunity to present their case.

AND WHEREAS Sh. Jaichand Saini, Member, P.N.T.C. Educational Institute, Guleriya Highway, Sujangarh, Rajasthan presented the case of the appellant institution on 13/06/2019 i.e. the second opportunity granted to them. The appellant, in their appeal, submitted that (i) they submitted an online application for grant of recognition of D.El.Ed. course on 31/12/2012 and the respondent returned their application in absence of recommendations of State Government of Rajasthan with their letter dt. 13/06/2013 on the grounds mentioned therein; (ii) the 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 applications are invited, the Regional Committee has no right to reject it on grounds of ban imposed subsequently by the State Government. A copy of Appeal order dated 27/11/2017 is annexed; (iii) in the similar matter while disposing of the appeals u/s 18 of NCTE Act, 1993, the appellate authority in its 15th Meeting. The controversy settled by the Appellate Authority vide orders dt. 24/09/2018 and two orders titled Sardar Bhagat Singh Shikshan Sansthan & Modern BSTC College are annexed herewith; (iv) the respondent had already granted recognition to various institutions ignoring the above said shortcomings vide order dt. 26/08/2016, copy enclosed; (v) the act of respondent giving recognition to various institutions and rejecting their application is faulty and discriminatory in nature; (vi) the respondent Committee did not issue a Show Cause Notice to the appellant institution before passing an adverse/rejection order, providing a reasonable opportunity to the institution for making a written representation under Section 14 (3) (b) of the NCTE Act, 1993; and (vii) the appellant made necessary arrangement with regard to physical infrastructure and other facilities, but their application has been returned in a most arbitrary manner, thereby making the rejection order bad in the eye of law and thus liable to be quashed and set aside. The appellant, in a letter dt. 11/06/2019 submitted that the Hon'ble Delhi High Court's order dt. 31/10/2018 cannot be made applicable to Rajasthan; the Government of Rajasthan in their letter dt. 01/01/2018 decided to issue NOC for D.El.Ed. course; and the Director, Primary Education, Bikaner in their order dt. 27/03/2019, copy enclosed, has issued NOC to various institutions, including the appellant institution.

AND WHEREAS the relevant file of the N.R.C. is not available. It has been brought to the notice of the Committee in their 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 their 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. The Committee also noted that in view of the N.R.C. returning the application in original to the appellant, with a request to the NCTE to refund the processing fee also, virtually no application exists as of now. 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.

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 5 & 6 above 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, P.N.T.C. Educational Institute, Guleriya Highway, Sujangarh – 331507, 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.

(17)

F.No.89-890/E-100545/2018 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Jamway T.T. College BSTC, Megha High Way, Sawai Madhopur, Rajasthan dated 18/12/2018 is against the Letter No. Old App/NRCAPP-3944/184/2017/169067 dated 14.03.2017 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "in cases where the institutions have submitted the applications by offline mode along with Court orders and where no processing has been initiated by NRC, all such applications be returned to the institutions along with all documents as they have not submitted the applications as per Clause 5, of NCTE Regulations, 2014."

AND WHEREAS Sh. Surendra Singh, Member, Jamway T.T. College BSTC, Megha High Way, Sawai Madhopur, Rajasthan was present on 28/02/2019. The appellant, in their letter dt. 27/02/2019, stating that the Secretary of the Society was unable to attend the hearing on 28/02/2019 due to the death of his grandmother, requested that they may be given another date for hearing. The appellant, with their letter enclosed a N.O.C. dt. 01/03/2019 issued by the Director, Primary Education, Government of Rajasthan, Jaipur. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS the appellant, aggrieved by the letter of the NRC, filed a S.B. Civil Writ No. 25381/2018 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 28/11/2018 closed writ proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Surendra Singh, Chairman, Jamway T.T. College BSTC, Megha High Way, Sawai Madhopur, Rajasthan presented the case of the appellant institution on 13/06/2019 i.e. the second opportunity granted to them. The appellant, in their appeal, submitted that (i) they submitted an online application for grant of recognition of D.El.Ed. course on 25/12/2012 and the respondent returned their application with their letter dt. 21/06/2013; (ii) the petitioner filed a SBCWP No. 10740/2016 and in consonance with the orders dt. 10/08/2016, the petitioner submitted a representation on 08/09/2016 in the office of the respondents to consider their file; (iii) the respondent again returned their file with their letter dt. 14/03/2017; (iv) The NRC erred in deciding the matter and did not make any effort to even look on the application of our institution which surely is an online application bearing application ID NRCAPP6114 which was submitted online on 29.12.2012. The NRC erred in deciding the matter and did not make any effort to even look on the application in consonance of NCTE' s Regulation under which the application was submitted offline. Further, it is also reiterated here that there was virtual impossibility in submitting the application online and after directions of Hon'ble Court narrated above the application was submitted offline. If the institution were provided opportunity to move an application before the NRC as per the directions of Hon'ble Court given in another identical matters, it would have been done but due to the virtual impossibility, online submission was totally impossible. The appellant institution submitted his application along with in reference to another identical/ similar matters but the respondent committee not considered the matter as per reference. Further, in the similar matter while disposing of the appeal u/s 18 of NCTE Act, 1993, the appellate authority of NCTE vide order No. 89-534/E8922/2017 Appeal/ 15th Meeting 2017 dt. 16.10. 2017 titled "St. Meera T. T. College" directed the NRC to process further the application on the ground that " ...the Committee noted that the appellant could not have submitted the application online within the time frame allowed by the Hon'ble High Court on 10.12.2015 i .e. one month, which is a virtual impossibility due to closure of NCTE portal. "A copy of Order dated 16. 10.2017 is annexed. (v) in a similar matter while disposing of the appeal's u/s 18 of NCTE Act, 1993, the appellate authority in its 6th Meeting. The controversy was settled by the Appellate Authority

vide order dt. 05/06/2018 and one the order of Sorabh College of Teacher Training, Sawai Madhopur, Rajasthan is annexed herewith; (vi) the respondent had already granted recognition to several institutions ignoring the above said shortcomings vide order dt. 26/08/2016, copy enclosed; (vii) the act of respondent giving recognition to several institutions and rejecting their application is faulty and discriminatory in nature; (viii) the respondent Committee did not issue a Show Cause Notice to the appellant institution before passing an adverse/rejection order, providing a reasonable opportunity to the institution for making a written representation under Section 14 (3) (b) of the NCTE Act, 1993; and (ix) the appellant made necessary arrangements with regard to physical infrastructure and other facilities, but their application for grant of recognition has been returned in a most arbitrary manner, thereby making the rejection order bad in the eye of law and thus liable to be quashed and set aside. The appellant, with their letter dt. 13/06/2019, enclosed a copy of the order of the Director, Primary Education, Rajasthan, Bikaner dt. 01/03/2019, in which NOC has been granted to some institution, including the appellant institution.

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 their meeting held on 27/12/2018 that the Council, in their letter NO. F. 67/19/2018 – US (Legal) – HQ dt. 18/12/2018, addressed to all their Regional Committees, in the context of the various orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India referred to therein, directed ensuring compliance of the orders of the Hon'ble Courts and adherence to the provisions of the Regulations 5 (3), 7(4), 7 (5) and 7 (6) of the NCTE Regulations, 2014, irrespective of its stage of processing of application, course, year of application and State it pertains.

AND WHEREAS in view of the above categorical decision of the Council, 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.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, and the documents available on records, 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, Jamway T.T. College BSTC, Plot No.1, Megha Highway, Sawai Madhopur – 322001, 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.

(22)

F.No.89-485/E-9817/2017 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of Netaji Subhas Open University, Salt Lake, Bidhan Nagar, West Bengal dated 16/06/2017 is against the Order No. ERC/239.7.3/ERCAPP2196/B.Ed. (Distance)/2017/53169 dated 02/05/2017 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. (Distance) Course on the grounds that "in response to show cause notice, the institution vide letter dated 25.04.2017 has requested to allow two months' time for submission of NOC from Distance Education Bureau (DEB), which is not accepted by the Committee. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP2196 of the institution regarding recognition of B.Ed. (ODL) Mode Programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Dr. A.N. Dey, Director, Netaji Subhas Open University, Salt Lake, Bidhan Nagar, West Bengal presented the case of the appellant institution on 26/09/2017. In the appeal and during personal presentation and in a letter dt. 18.09.2017, it was submitted that the ERC expressed its inability to grant approval of the Course due to non-submission of UGC-DEB issued NOC regarding SLMs to be used during imparting instruction. It may be stated here that this University has submitted full sets of SLMs on 6th of February, 2017 as prepared at the University end to UGC-DEB office for vetting and issuance of NOC in favour of NSOU. Since then so many parleys have been held with the UGC-DEB office for early issuance of the NOC. But the much awaited NOC has not yet been received at the University end. It may also be mentioned that the ERC, NCTE Committee, considering the prayer of this University extended its generosity by allowing some time to this University. As this University has not yet received the NOC from UGC-DEB for submitting the same to the ERC, NCTE, the University prayed for two months' time for submitting the NOC.

However, the ERC, NCTE could not favour this University by granting further time as prayed for and rejected the application. The appellant also submitted that they have further taken up the matter with DEB-UGC urging them to take early necessary action. The appellant also submitted that theirs is a fully Govt. aided State Open University and B.Ed. (ODL) will be very useful for the untrained in-service teachers working in schools in the State. In the end the appellant fervently requested to allow them a reasonable period of time for submission of clearance documents issued by the DEB-UGC.

AND WHEREAS the Committee, noting the submissions of the appellant, decided to give them another opportunity i.e. the second opportunity to present their case.

AND WHEREAS Dr. A.N. Dey, Director, Netaji Subhas Open University, Salt Lake, Bidhan Nagar, West Bengal presented the case of the appellant institution on 01.02.2018 i.e. the second opportunity granted to them. The appellant, during the course of presentation, submitted a letter dt. 29.01.2018. In this letter the appellant submitted that (i) consequent upon the promulgation of UGC Notification No. 2-4/2015 (DEB-III) dt. 23.06.2017, respective university is competent enough to design the course structure and development of corresponding SLMs with strict adherence of the UGC guidelines duly vetted and approved by the respective statutory bodies of the university; and (ii) however, for HEIs running ODL course (s) the programme concerned can only be introduced if the Programme Progress Report (PPR) as already submitted to the UGC- DEB by the university accordingly gets the approval of the DEB-UGC. The appellant enclosed a copy of their letter dt. 05.01.2018 addressed to the DEB, UGC in which they requested the DEB, UGC to impress upon the NCTE that consequent upon the promulgation of their latest notification, the practice of issuance of NOC regarding SLMs of any course is not required. In these circumstances, the appellant requested that sufficient time may be allowed till they get the approval of UGC – DEB. The Committee, after considering the matter, decided to give the appellant another opportunity i.e. the third and final opportunity to present their case.

AND WHEREAS Netaji Subhas Open University, Salt Lake, Bidhan Nagar, West Bengal was asked to present the case of the appellant institution on 25.05.2018 i.e. the third and final opportunity given to them, but nobody from the institution appeared. The Committee noting that the appellant is in correspondence with the DEB-UGC for getting their Programme Project Report approved by them and requested on the last occasion for sufficient time, decided to give the appellant, one more opportunity, as a special, case to present their case.

AND WHEREAS Dr. A.N. Dey, Director, Netaji Subhas Open University, Salt Lake, Bidhan Nagar, West Bengal appeared before Appeal Committee on 28/08/2018 and submitted a written request dated 24/08/2018 on behalf of the Vice Chancellor, NSOU. The appellant seeks more time for submission of N.O.C. which is required to be issued by DEB-UGC.

AND WHEREAS Appeal Committee noted that B.Ed. in O.D.L. mode is a professional programme for in service teachers for upgrading the professional skill and competence. The eligibility to conduct the course is restricted to institution offering O.D.L. programmes like National Open University, State Open University and Directorates/Schools of Open and Distant Learning in U.G.C. recognized Universities. Appeal Committee further noted that appellant university is making continuous efforts to obtain N.O.C. from the DEB – UGC. Appellant has submitted before the committee copies of communications of DEB – UGC indicating that first stage of processing for recognition of O.D.L. programme for 2018-19 has commenced. U.G.C. has also considered that Syllabus Learning Material (S.L.M) is based on the curriculum prescribed by NCTE and NCTE is required to evaluate SLM of B.Ed. (ODL) and provide N.O.C. in favour of NSOU to UGC, being a regulatory authority as per prevailing norms and guidelines for distance education.

AND WHEREAS Appeal Committee further noted that U.G.C. by a Public Notice dated 09/08/2018 has conveyed its decision that programmes in O.D.L. mode shall not

be accorded recognition without prior approval of respective Regulatory Authority. Appellant University has written letter dated 14/05/2018 to NCTE to endorse the course structure and SLM so as to seek approval of academic programme by DEB. Committee observed that appellant institution should continue with its efforts to seek necessary approvals from NCTE and U.G.C for which another opportunity is decided to be given. Appeal should be listed after 3 months by which time NCTE (HQ) shall make effort to dispose of the proposal made by appellant by its letter dated 14.5.2018 addressed to NCTE.

AND WHEREAS the Committee, in their 8th meeting held on 28/02/2019, noted that a reply dt. 15/03/2019 has been received from UGC-DEB in response to a letter sent to them by the Council in pursuance of the suggestion contained in para 8 above.

AND WHEREAS the Committee, in their meeting held on 13/06/2019, considered a letter of the UGC – DEB dt. 15/03/2019. The Committee noted that this letter does not clarify the position regarding approval of Self Learning Materials (SLM) by the UGC – DEB. The Committee further noted that the ERC refused recognition on account of non-submission of NOC from the Distance Education Bureau, for submission of which, the appellant, in their letter dt. 25/04/2017, requested for two months time. The appellant has not been able to fulfill this requirement. On the other hand, according to the provisions of Clause 9 (d) of the Norms and Standards for B.Ed. programme through Open and Distance Learning System contained in Appendix – 10 to the NCTE Regulations, 2014, 'preparation of self – learning materials in print and non – print, duly certified by the Distance Education Board (DEB)', is one of the pre-requisites for applying for grant of recognition of the programme. Since this pre-requisite has not been completed by the appellant, 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 dt. 02/05/2017 confirmed.

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 Vice-Chancellor, Netaji Subhas Open University, Salt Lake, DD-26, Sector-I, Bidhan Nagar – 700064, 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.

(23)

F.No.89-30/E-102711/2019 Appeal/18th Mtg.-2019/13th June, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 16/07/2019

ORDER

WHEREAS the appeal of MATS University, Village-Gullu, Aarang Kharora Highway, Aarang, Chhattisgarh dated 13/12/2018 is against the Letter No. WRC/APP7230/B.Ed. (ODL)/298th/C.G./2018/200523 dated 25.10.2018 of the Western Regional Committee, confirming their order dt. 24/01/2018, refusing recognition for B.Ed. (ODL) Course, on the grounds that "(i) vide Refusal order of WRC dated 24/01/2018, it was clearly mentioned that the institution had to submit letters of approval from UGC/DEB; (ii) However, vide letter dated 06/06/2018 received by email on 13/09/2018, the institution has submitted a copy of letter of UGC having direction to MAT not to admit any students instead of copy of approval letter of UGC/DEB, as sought by the WRC vide its decision taken in the meeting dated 286th meeting."

AND WHEREAS Sh. Gokulananda Panda, Registrar and Prof. B. John, Vice Chancellor, MATS University, Village-Gullu, Aarang Kharora Highway, Aarang, Chhattisgarh presented the case of the appellant institution on 25/03/2019. In the appeal and during personal presentation and in a representation it was submitted that as per the Norms and Standards, Section 9 of Appendix – 10 of NCTE Regulations (pre-requisites) for offering B.Ed. through Open and Distance Learning Mode, 2014 prior recognition of UGC is not required but both the concerned agencies are asking them to obtain the approval of the other agency first before giving their approval.

AND WHEREAS the Committee noted that, in a similar case, the Council is making efforts to sort out the issues involved. In the circumstances, the Committee concluded that this matter may be kept pending till the issues are sorted out.

AND WHEREAS the Committee, in their meeting held on 13/06/2019, considered a letter of the UGC – DEB dt. 15/03/2019. The Committee noted that this letter does not clarify the position regarding approval of Self Learning Materials (SLM) by the UGC – DEB. The Committee further noted that the WRC refused recognition on account of non – submission of letters of approval from UGC/DEB. According to the provisions of Clause 9 (d) of the Norms and Standards for B.Ed. programme through Open and Distance Learning System contained in Appendix – 10 to the NCTE Regulations, 2014, 'preparation of self – learning materials in print and non – print, duly certified by the Distance Education Board (DEB)', is one of the pre-requisites for applying for grant of recognition of the programme. Since this pre-requisite has not been completed by the appellant, the Committee concluded that the WRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the decision of the WRC dated 25/10/2018 confirmed.

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 WRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the decision of the WRC dated 25/10/2018 confirmed.

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

(Sanjay Awasthi)
Member Secretary

1. The Registrar, MATS University, Village-Gullu, Aarang Kharora Highway, Aarang – 493441, Chhattisgarh.
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 Chhattisgarh, Raipur.