F.No.89-274/E-125458/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Jiaganj Institute of Education & Training Village/PO – Jiaganj, Chawlpatti, Jiaganj, Murshidabad, West Bengal dated 13/07/2019 is against the Order No. ER-273.2.6/APE00955/B.Ed./2019/60918 dated 27.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notices u/s 17(1) were issued on 05.11.2018, 15.12.2018 & 12.03.2019. Principal is not appointed. Photocopy of FDRs are not in joint mode with RD, ERC, NCTE. In view of the above, the Committee decided as under: Recognition to B.Ed. course be withdrawn from the academic session 2020-21."

AND WHEREAS Sh. Ujwal Ghosh, Member and Sh. Biswadip Dutta, Member, Jiaganj Institute of Education & Training Village/PO – Jiaganj, Chawlpatti, Jiaganj, Murshidabad, West Bengal presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that the Applicant Society/institution is presently having all the necessary documents including 1. Faculty List - as per NCTE Format and approved by the concerned University. 2. Building Completion Certificate - duly signed by Govt. Engineer and issued by competent authority. 3. FDR's - in joint operation mode in accordance with the requirements set-up by the ERCNCTE. The appellant requested restoration of recognition for B.Ed. course.

AND WHEREAS the Committee noted from the faculty list submitted in the appeal, which has been countersigned by the Registrar, the West Bengal University of Teacher's Training, Education, Planning and Administration, that a Principal has been appointed on 27/06/2019. The appellant also enclosed to the appeal copies of FDRs

for Rs. 7 lakhs and Rs. 5 lakhs, jointly held with the Regional Director, ERC, with maturity date of 19/06/2024.

AND WHEREAS the Committee, noting that the appellant has submitted the information/documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents relating to appointment of Principal and FDRs, to be sent 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 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, the Committee concluded to remand back the case to ERC with a direction to consider the documents relating to appointment of Principal and FDRs, to be sent 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 documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

NDW THEREFDRE, the Council hereby remands back the case of Jiaganj Institute of Education & Training Village/PO – Jiaganj, Chawlpatti, Jiaganj, Murshidabad, West Bengal to the ERC, NCTE, for necessary action as Indicated above.

(Sanjay Awasthi)
Member Secretary

1. The President, Jiaganj Institute of Education & Training Village/Post Office – Jiaganj, PWD Road, Chawlpatti, Ward No. 9, Jiaganj, Murshidabad – 742123, 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.

F.No.89-277/E-125541/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Katipally Ravinder Reddy College of Education, Subash Nagar, Nizamabad, Telangana dated 12/07/2019 is against the Order No. SRO/NCTE/APSO2678/B.Ed./TS/2019/106382 dated 02.07.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the College was permitted during 2004-05 with a condition to shift to new building constructed as per NCTE norms. The management has not complied with. Though repeatedly asked to submit all the relevant documents including Building Plan, the management is taking shelter under some pretext or the other. Even communication was sent to pay the fee for causing inspection. The management not responded. In view of the above and non-responsiveness, the Committee decided to withdraw the recognition."

AND WHEREAS Sh. Prashant Tyagi, Representative and Sh. P. Srinivas, Representative, Katipally Ravinder Reddy College of Education, Subash Nagar, Nizamabad, Telangana presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that the institution did not receive a letter on 27-11-2018 sent by SRC-NCTE Bangalore, hence no reply given till date. It is mandatory to give reasonable opportunity of making representation against the proposed order dt 02-07-2019 to such recognised institution, as per section 17(1) proviso "No such order against the recognised institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised institution" In view of the said law the orders dt 02-07-2019, F. SRO/NCTE/APSO2678/B.Ed./ TS/2019/06382 passed by SRC-NCTE without hearing the institution may be stayed

pending the appeal by directing SRC-NCTE to renew the Recognition to B.Ed. course for the academic year 2019-20 on words.

AND WHEREAS the Committee noted that the order of withdrawal dt. 02/07/2019 is an exhaustive one detailing the developments from time to time. The appellant, has not only failed to respond to the communications of SRC but has not given a proper explanation even at the appeal stage, on the grounds mentioned in the withdrawal order for consideration, preferring to make some diversionary statements. In view of this position, the Committee concluded that that 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, Katipally Ravinder Reddy College of Education, 6-2-157/28, Subash Nagar, Nizamabad – 503002, Telangana.
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 Telangana, Hyderabad.

(4)

F.No.89-278/E-125588/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Dr. Anita Baruah Sarmah College of Education, Parukutty Bhawan, Nabin Nagar, LKB Baruah Road, Ulubari, City Guwahati, Assam dated 08/07/2019 is against the Order No. ERC/272.14.45/APE00326/B.Ed./2019/60726 dated 14.06.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Show Cause Notice u/s 17(1) were issued on 20.04.2018 & 27.11.2018. No reply received in response to SCN dated 27.11.2018 within the stipulated period. As per approved faculty list, principal and two faculties viz. Monalia Choudhury & Biju Moni Das do not have requisite qualification as per NCTE Norms, hence not qualified. Computer Instructor/Asst. System Manager is not treated as a faculty. Hence, the institution is required to appoint requisite faculty (1 Principal + 15 lecturers qualified as per Norms) and submit the same in the NCTE prescribed proforma duly approved by the affiliating body. Building plan submitted is not approved by Govt. Engineer. Building completion certificate is not submitted."

AND WHEREAS Dr. Zoiinath Sarma, Chairman and Sh. Prasant Saikia, P.S., Dr. Anita Baruah Sarmah College of Education, Parukutty Bhawan, Nabin Nagar, LKB Baruah Road, Ulubari, City Guwahati, Assam presented the case of the appellant institution on 28/08/2019. In the appeal and during personal presentation it was submitted that reply of the Show Cause notice dated 20.04.2018 was to be sent to ERC in stipulated time i.e. within 21 days as asked for. The notice was not received by the College authority and as such the college authority could not give the reply in time. However, when the matter was seen in the NCTE website, immediately we have sent our Email to the Regional Director, ERC, NCTE stating all the reasons thereof. Action has been taken as follows - (A). The present Principal, Dr. Bhadra Phukan has been

AND WHEREAS the Committee, noting that the appellant has submitted the documents found wanting in the withdrawal order, concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents to be submitted to them and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC all the documents submitted in appeal 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, the Committee concluded that the case deserves to be remanded back to ERC with a direction to consider the documents to be submitted to them and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC all the documents submitted in appeal within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Dr. Anita Baruah Sarmah College of Education, Parukutty Bhawan, Nabin Nagar, LKB Baruah Road, Ulubari, City Guwahati, Assam to the ERC, NCTE, for neceesary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Chairman, Dr. Anita Baruah Sarmah College of Education, House No. 1, Parukutty Bhawan, Nabin Nagar, 343 (Old) 1147 (New) Zoo Road, LKB Baruah Road, Ulubari, City Guwahati – 781024, Assam.
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 Assam, Dispur.

F.No.89-279/E-125464/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Acharya Hindi Teachers Training College, Kerala Hindi Prachar Sabha, Thycaud, Vazhuthacaud, Thiruvananthapuram, Kerala dated 16/07/2019 is against the Order No. SRO/NCTE/APSO0310/Language/KE/2019-20/104119 dated 01.05.2019 of the Southern Regional Committee, expressing their inability to grant recognition for conducting for B.Ed. Course on the grounds that "the Kerala Hindi Prachar Sabha, running Hindi Acharya Course in Hindi since 2001-2002 with the recognition from NCTE. This course is of one-year duration. Till 2014 the B.Ed. programme offered is also of one-year duration. The State Governments and the Universities considered both the programmes are equal and made eligible for appointment as teachers. It is during 2014, NCTE amended its norms & standards in which the B.Ed. programme duration was extended from one to two years. At that time all the institutions offering B.Ed. programme were advised to shift to two years duration by way of submitting an Affidavit to this effect. In the case of Hindi Prachar Sabha neither they submitted an Affidavit to this effect nor could they extend the duration of the programme from one to two years. In absence of any norms & standards for one-year duration programme the SRC expresses its inability to recognize the programme. It is totally a lapse on the part of the institution and hence the request of the institution may not be considered."

AND WHEREAS S/Sh. B. Madhu, Secretary, and Srikumaran, Member, Acharya Hindi Teachers Training College, Kerala Hindi Prachar Sabha, Thycaud, Vazhuthacaud, Thiruvananthapuram, Kerala presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that an affidavit was filed by the former Secretary of Managing Committee on 26.10.2016 and resubmitted on 30.08.2017. The present Committee assumed charge on 05.11.2018

and filed application for the extension of Acharya Teacher Training course for 2 years instead of 1 year on 02.03.2019.

AND WHEREAS the Committee noted from the papers submitted by the appellant with their letter dt. 30/07/2019, that the Council in their D.O. letter no. NCTE – Reg/011/40/2019 – Reg. Sec -HQ/78429 dt. 13/05/2019 addressed to the Regional Director, SRC in response to a representation received from the appellant, issued some directions for consideration of the matter under reference. In view of this position, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to take further action in the light of the D.O. letter of the Council mentioned above.

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 with a direction to take further action in the light of the D.O. letter of the Council dt. 13/05/2019 mentioned above.

NOW THEREFORE, the Council hereby remands back the caee of Acharya Hindi Teachers Training College, Kerala Hindi Prachar Sabha, Thycaud, Vazhuthacaud, Thiruvananthapuram, Kerala to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Acharya Hindi Teachers Training College, Kerala Hindi Prachar Sabha, Thycaud, 311/7, Vazhuthacaud, Thiruvananthapuram – 695014, Kerala.
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 Kerala, Thirvvananthapuram.

(6)

F.No.89-280/E-125533/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Shri Vinayak College, Village – Chala The Neem Ka Thana, Sikar, Rajasthan dated 11/07/2019 is against the Order No. NCTE/NRC/NRCAPP201615442/B.A.B.Ed./B.Sc.B.Ed. – 4 Year Integrated/RJ/2015-16/2; dated 27.04.2017 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has submitted the approved building plan signed by the Competent Govt. Authority, however, the details with regard to the name of the course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multipurpose Hall as well as the other infrastructural facilities such as class rooms etc., have not been indicated thereon. 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. Ram, Secretary, Shri Vinayak College, Village – Chala The Neem Ka Thana, Sikar, Rajasthan presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that the institution submitted the certified registered land documents issued by the registering authority or civil authority. The institution has submitted the approved building plan signed by the competent govt. authority, the details with regard to the name of the course, name of the institution, khasra no./plot no., total land area, total built infrastructural facilities such as classrooms etc. have not been indicated. The appellant, in their letter dt. 17/07/2019, enclosed to the appeal, submitted that the institution could not furnish the information required by the Regional Committee in time

on account of an accident to their Secretary and non-availability of the ID password with any other person. The appellant, in their letter dt. 23/08/2019, submitted that they sent a communication to the NRC on 24/05/2017 i.e. after the issue of the refusal order dt. 27/04/2017.

AND WHEREAS the Committee noted that the submission of the appeal has been delayed by 2 years and 14 days beyond the prescribed period of sixty days. The appellant submitted that the delay was on account of their Secretary meeting with a road accident on 06/05/2017, who on account of fracture of both the legs and deep wound in the brain, remained in coma for about six months and in the hospital for about 15 months. Further he alone knew the ID password and others did not know the papers connected with B.A. B.Ed./B.Sc. B.Ed. course. After the health of the Secretary improved the appeal was filed on 11/07/2019. The appellant, in support of the ill-health of their Secretary enclosed copies of various test reports conducted and prescriptions of medicines from time to time. But as far as hospitalisation is concerned, the copies of the documents furnished indicate that it was only for the period from 06/05/2017 to 23/07/2018.

AND WHEREAS the Committee noted that according to the provisions of Section 18 (1) of the NCTE Act, 1993, any person aggrieved by an order made under Section 14 or Section 15 or Section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed. According to the Provisions of Rule 10 of the NCTE Rules, 1997, any person aggrieved by an order made under the above mentioned Sections of the Act may prefer an appeal to the Council within sixty days of issue of such orders. According to the provisions of Section 18 (2) of the NCTE Act, no appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor; provided such an appeal may by admitted after the expiry of the prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.

AND WHEREAS the Committee noted from the documents submitted for delay in appeal that even after the discharge of their Secretary on 23/07/2018, the appellant took one more year to appeal. The appellant has not produced any proof for reported hospitalisation for 15 months. Further the stand taken about non-availability ID password to persons connected with the institution, other than the injured Secretary, is not understandable. In these circumstances the Committee concluded that delay in appeal cannot be condoned and therefore, 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 that the delay in appeal cannot be condoned and therefore, the appeal is not admitted.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Shri Vinayak College, Village – Chala The Neem Ka Thana, Choukari Road, Sikar – 332706, 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.89-281/E-125996/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Krishna Teja College of Education, Chadalawada Nagar, Renigunta Road, Tirupathi, Chittoor, Andhra Pradesh dated 16/07/2019 is against the Order No. SRO/NCTE/APSO5174/B.Ed/AP/2019/103630 dated 24.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the land is gifted one. Further it is not in the name of the Teacher Education Institution. It is also observed that no land is earmarked for exclusive purpose of Teacher Education Programme. The Land Use Certificate of the said land is not submitted. The Building Plan is not approved in the name of Teacher Education Institution. The latest faculty list is also not furnished as per the Amended NCTE Regulations, 2017. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS the Committee noted from the file of the SRC that the appellant aggrieved by the order of the SRC dt. 24/04/2019 filed a Civil Writ Petition No. 6463 of 2019 and C M APPL No. 27397/2019 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 30/05/2019, permitted the petitioner to appeal against the impugned order of the SRC before the appellate authority in the NCTE within three weeks. The Hon'ble High Court also observed that such appeal, if filed within the above period, be decided by the Appellate Authority within four weeks. The Hon'ble High court also ordered that till the disposal of the appeal by the appellate Committee, the petitioner institute shall be allowed to continue to function.

AND WHEREAS Dr. G. Srinivasa Rao, O.S.D. and Sh. S.R. Narasimha Reddy, P.S., Krishna Teja College of Education, Chadalawada Nagar, Renigunta Road, Tirupathi, Chittoor, Andhra Pradesh presented the case of the appellant institution on

26/08/2019. In the appeal and during personal presentation it was submitted that the land is in the name of the trust. From the date of obtaining recognition order in the year 2007, our institution is having own land. Trust has also made resolution providing land exclusively for Teacher Education Programmes. A copy of the land document is submitted for kind perusal of appeal committee. The management has clearly passed resolution and a copy of resolution earmarking exclusive land of 2.5 acres for Teacher Education Programmes was submitted to SRC. The SRC has not considered the resolution submitted and erroneously passed order of withdrawal. A copy of resolution is submitted for kind perusal of Appeal Committee. The land use certificate issued by the Tahsildar, Tirupathi Rural Mandal dated 31.07.2008 was duly submitted to SRC and the SRC without considering the land use certificate has passed order of withdrawal. We are submitting herewith the Land Use Certificate for kind perusal of Appeal Committee. The Building Plan is duly approved in the name of the Teacher Education Institution. It is clearly mentioned in the approved Building Plan as "plan showing the existing building for C.V.S. Krishna Teja College of Education (B.Ed. & extension B.Ed.), Krishna Teja College of Education (D.El.Ed. & M.Ed.) in survey no.131". Inspite of having a clear approved building plan in the name of our Teacher Education College, the SRC has wrongly made a deficiency for withdrawal of recognition. We are submitting herewith a copy of approved Building Plan for kind perusal of Appeal Committee. The staff list of our B.Ed. College duly approved by the Registrar Venkateshwara University was submitted to SRC. The staff list as per the revised Regulation in the format for principal, 4 lecturers in Education, 8 Lecturers in Pedagogy, 1 Lecturer in Physical Education, 1 Lecturer in Fine Arts and 1 Lecturer in Performing Arts was submitted. It is very unfortunate that SRC having submitted all the documents has not considered it and made as a deficiency for withdrawal of recognition. We are submitting herewith a copy of approved staff list in the NCTE prescribed format for kind perusal of the Appeal Committee.

AND WHEREAS the Committee, noting that the appellant has submitted all the documents found wanting in the withdrawal order and which are also available in the file of the SRC and the faculty was appointed prior to the amendment of the NCTE

Regulations in 2017, concluded that the matter deserved to be remanded to the SRC with a direction to consider the documents furnished by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC all the documents submitted in the appeal 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, the Committee concluded that the case deserves to be remanded back to the SRC with a direction to consider the documents furnished by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC all the documents submitted in the appeal within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Krishna Teja College of Education, Chadalawada Nagar, Renigunta Road, Tirupathi, Chitteor, Andhra Pradesh to the SRC, NCTE, for necessary action as Indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Krishna Teja College of Education, No. 131, Chadalawada Nagar, Renigunta Road, Tirupathi, Chittoor – 517506, 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.

(8)

F.No.89-282/E-126003/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Govt. Physical Education College for Women, Kodalia Gram, Panchayet-II, Hooghly, West Bengal dated 17/07/2019 is against the Order No. ER-271.1.26/(APE00651)/B.P.Ed./2019/60502 dated 21.05.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.P.Ed. Course on the grounds that "Show Cause Notices u/s 17(1) were issued on 10.05.2018 & 16.01.2019. Requisite number of faculty as per NCTE Regulations, 2014 not appointed. Faculty list duly approved by concerned affiliating body not submitted. The institution has been shifted to its new campus without any approval of ERC, which is in violation of NCTE Act, Rules & Regulations. In view of the above, the Committee decided as under: The Committee is of the opinion that recognition granted to B.P.Ed. course of the application bearing Code No. APE00651 is withdrawn under Section 17(1) of NCTE Act, 1993 from the academic session 2019-20."

AND WHEREAS Dr. Shyamal Mazumdar, Principal, Govt. Physical Education College for Women, Kodalia Gram, Panchayet-II, Hooghly, West Bengal presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that (a). The college has submitted its reply of 1st & 2nd Show Cause Notice dated 10/05/2018 & 16/01/2019 of NCTE vide this college Memo No. 601/37-NCTE/18 dated 30/05/2018 and Memo No. 36/37-NCTE/2019 dated 05/02/2019 respectively. (Annexure – II & Annexure – III). (b). College was submitted the existing faculty list of that time comprising with 4(Four) faculty members and one (1) Principal duly approved by the Joint Registrar and Inspector of Colleges, The University of Burdwan (Affiliating University). (Annexure – IV) The reason of shortage of teaching faculty was due to routine transfer of Department of Higher Education, Science & Technology & Biotechnology, Govt. of West Bengal. However, college has 9(Nine)

sanctioned teaching post as per NCTE regulation, 2014 as mentioned here under: 1. Principal – One (1) 2. Associate Professor – Two (2) 3. Assistant Professor – Six (6) (Annexure – V, VI, VII & VIII) Here it is to be noted that the five (5) numbers of teachers have joined this college being transferred from different Government Colleges. Thus, at present College has Eight (8) Numbers of faculty members and one (1) Principal along with one (1) Part time teacher (Total 10 Faculty Members). Current faculty list as per NCTE format duly authenticated by the Inspector of Colleges and the Registrar, The University of Burdwan (Affiliating University) is placed before you for your kind perusal and consideration. (Annexure – IX). With humble submission The Undersigned would like to state you that the College is running the B.P.Ed. Course (2Yr) with one section of 50 students by considering the availability of best possible infrastructure though the sanctioned intake capacity is one Basic Unit (100 Students) of two sections (50 each). As per present setup Three (3) Assistant Professor (Part time) are not needed by the college. However the process of recruitment of rest four (4) Part time teachers is under process and will be appointed very soon by the Department of Higher Education, Science & Technology & Biotechnology, Govt. of West Bengal and faculty list will be updated after their joining in this college and will be intimated to your good office accordingly. (c).The college has submitted its application for according necessary permission to the Regional Director, NCTE, ERC, Bhubaneswar, Odisha for shifting the college to its new premises at Rice Research Station, Chinsurah (RS), Dist :- Hooghly, Pin – 712102 with Building Completion Certificate vide this college Memo No. 683/37-NCTE/18 dated 24/08/2018 (Annexure - X) through speed post (Annexure – XI) as college was unable to submit online application due to server problem. Here it is to be worth mentioning that earlier college building was dilapidated condition which was a threat of accident to the students and staff of the college. It was an old building and one of the adjacent roofs of the said building was collapsed which created a panic situation among the staff and students of the college. Thereby the undersigned was compelled to shift the college to its new premises at Rice Research Station, Chinsurah (RS). Dist :- Hooghly as it was ready and handed over by the P.W. Dte, Social Sector, Hooghly Division on 1st August, 2018 (Annexure - XII) by considering Safety and better academic aspect of the students after obtaining administrative approval by the Department of

Higher Education, Science & Technology & Biotechnology, Govt. of West Bengal (Annexure - XIII). College has also obtained permission from the University of Burdwan (Affiliating University) in this regard (Annexure - XIV). However, the undersigned is submitting the application for shifting of premises as per prescribed format with all relevant documents before you for your kind perusal and consideration. (Annexure – XV) Further it kindly be noted that the Blue Print of Building Plan is kept under the custody of the Superintending Architect, P.W. Dte, Social Sector, Govt. of West Bengal and the Building Plan has been submitted as per their present system (Computer Generated) in separate sheet for each floor of the building with sheet No. 194,195,196,197, 115 (Annexure - XVI). Here it is important to know that this Government Physical Education College is exclusively meant for women students only to encourage female candidates to come in teaching profession. This college is running B.P.Ed. course since 1984 affiliated under The University of Burdwan with good academic performance and many alumni of this college have been engaged in different Primary, Secondary, Higher Secondary Schools and Police Department of State Government and Central Government. May the Undersigned soberly request your kind perusal and sympathetic consideration on afore stated appeal for restoration of the recognition of the B.P.Ed. (2Yrs.) course from the academic session 2019 onwards which has been withdrawn by the NCTE, ERC by contemplation of academic interest of the female students of India in general and state of West Bengal in particular.

AND WHEREAS the Committee noted that the appellant, in their letter dt. 24/08/2018, requested the ERC for shifting to new premises. The file does not indicate the action taken by the ERC on the proposal of the appellant institution. The appellant, in their letter dt. 05/02/2019 informed the ERC that the institution has shifted to its new campus at Rice Research Station, Chinsurah, Distt. Hooghly. The appellant, in their appeal, explained in detail the position relating to the faculty as also the circumstances leading to the shifting to new premises. In view of this position, the Committee concluded that the matter deserved to be remanded to the ERC with a direction to conduct an inspection of the new premises of the appellant institution and take further action as per the NCTE Regulations, 2014.

AND WHEREAS after perusal of the Memeranda 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 ERC with a direction to conduct an inspection of the new premises of the appellant institution and take further action as per the NCTE Regulations, 2014.

NOW THEREFORE, the Council hereby remands back the case of Govt. Physical Education College for Women, Kedalia Gram, Panchayet-II, Hooghly, West Bengal to the ERC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Govt. Physical Education College for Women, Farmside Road, Kodalia Gram, Panchayet-II, Hooghly – 712102, 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.

F.No.89-283/E-126006/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATIDN

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Smt. Shrawani Devi T.T. School, Mandawa Road, Jhunjhunu, Rajasthan dated 14/07/2019 is against the Letter No. New App./RF/NRCAPP-5211/2013-14/50845 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 filed a S.B. Civil Writ Petition No. 10587/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 21/06/2019, allowed the Writ Petition to be withdrawn with liberty to the petitioner to file an appeal before the NCTE with directions to the NCTE to decide the appeal on merits ignoring the limitation period.

AND WHEREAS Sh. Harsh Kumar, Representative and Sh. Dhanraj Sain, Representative, Smt. Shrawani Devi T.T. School, Mandawa Road, Jhunjhunu, Rajasthan presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that (i) they submitted an online application for grant of recognition for D.El.Ed. course on 28/12/2012 and the respondents 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) in identical controversy, in the light of the orders of the Hon'ble High Court dt. 26/09/2012 in SB CWP No. 8236/12, the respondent considered only those files having Court order in their favour; (ii) the controversy 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; (iv) the

respondent had already granted recognition to several institutions ignoring the above said shortcomings vide recognition orders dt. 26/08/2018 and 14/12/2018; (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 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 (viii) 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. 819/2018 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) 278 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 4 and 5 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, Smt. Shrawani Devi T.T. School, Mandawa Road, Jhunjhunu – 333001, 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.89-284/E-126281/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of St. Stephens College of Education, Kollemcode, Velatudha Nagar, Vilavancode, Kanyakumari, Tamil Nadu dated 25/07/2019 is against the Order No. SRC/NCTE/APSO0939/104935 dated 06.06.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the land is in the name of an individual. Therefore, this will be a case of shifting. EC is in order. LUC is there; but, in the name of an individual. BP is approved. BCC is not given."

AND WHEREAS Sh. S. Justin Antony, Board of Director, St. Stephens College of Education, Kollemcode, Velatudha Nagar, Vilavancode, Kanyakumari, Tamil Nadu presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that the land to the extent of 5 acres and 62 cents in which the college is located, stands in the name of the college and not in the name of the individual. The land originally belonged to Dr. V. Thankaraj, Founder Trustee of the Trust. On 29.09.2004, Dr. V. Thankaraj, settled those properties in the name of the college by way of a registered Settlement Deed under Document No. 2272 of 2004 in the office of the Sub-Registrar, Kollamcode. Therefore, the land is not in the name of the individual as stated by the SRC. Only based on the said settlement deed, the NCTE originally granted recognition to the college and the college is functioning all these years in the same land and building. In so far as the Land Use Certificate (LUC) in the name of the individual is concerned, as stated above, the land stands in the name of the college, which is run by the Registered Trust. Dr. V.

Thangaraj was the Fonder Trustee and the Correspondent of the College. He submitted application for issuance of Land Use Certificate to the Taluk Office at Vilavancode, Kanyakumari District. He gave certificate dated 21.08.2009 stating the land is used by the College and the college is functioning in the said land. However, inadvertently, the Thasildar referred that the land belongs to Thiru. Thankaraj, which make no sense, as the land stands in the name of the college. Later the Tahsildar issued another certificate dt. 07/09/2016, clearly stating that the land belongs to the college. As regards Building Completion Certificate, the same was also submitted to the NCTE long back. The copy of the same was also furnished along with the letters dated 10.08.2016 and 17.05.2019. Further, the college is functioning in the same building from the year 2005. No additional construction is made. It was already scrutinised by the Committee and having satisfied with the same, recognition was granted to the college. It is further submitted that from the date of establishment of the college, it is functioning in the same land, same building. There is no change made either in the land documents or no additional buildings were constructed. Whereas the college fulfils all the eligible conditions including availability teaching and non-teaching staff with full qualification, entire instructional facilities, etc., and the college is functioning for the past 14 years, sudden withdrawal of recognition without any valid reason is unreasonable. Even assuming there are such deficiencies, the same are only minor deficiencies, and not such higher punishment of withdrawal of recognition requires. The SRC ought not have withdrawn the recognition based on the show notice issued in the year 2016 after a laps of three years without providing any opportunity of hearing. The SRC ought to have at least considered two representations submitted by the college enclosing all the relevant documents. It is submitted that there is no deficiency or discrepancies as pointed out in the show cause Notice. The college fulfilled entire norms of the NCTE for continuing its recognition for offering B.Ed., Course with the annual intake of 100 students every year. There is no change in the land or in the infrastructure of the college. It is functioning for the past 14 years in the same premises. It is requested to consider the above grounds along with the documents enclosed herein and revise the Order of SRC dated 06.06.2019 so as to

enable the College to admit the students for B.Ed., course in the academic year 2019-2020.

AND WHEREAS the Committee noted that the appellant enclosed (i) a notarised copy of the Land Settlement Deed executed on 29/09/2004 with all its enclosures; (ii) notarised copies of Land Possession Certificate dt. 07/09/2016 (in Tamil and English Translation) issued by the Tahsildar, Vilavancode; and (iii) a Notarised copy of the Building Completion Certificate issued by the Junior Engineer, PWD Building Construction Section, Thuckalay.

AND WHEREAS the Committee, noting that the appellant has furnished all the requisite documents and suitably explained the position about continued functioning of their institution at the same location at which recognition was initially granted, concluded that the matter deserved to be remanded to the SRC with the direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC, the documents submitted in appeal, 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, the Committee concluded that the case deserves to be remanded back to the SRC with the direction to consider the documents submitted in appeal, to be sent to them by the appellant, and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the SRC, the documents submitted in appeal, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of St. Stephens College of Education, Kollemcode, Velatudha Nagar, Vilavancode, Kanyakumari, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Correspondent, St. Stephens College of Education, Kollemcode, Velatudha Nagar, Vilavancode, Kanyakumari – 629160, Tamil Nadu.
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 Tamil Nadu, Chennai.

(11)

F.No.89-285/E-126287/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATIDN

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Gopeshwar Shikshak Prashikshan Mahavidyalaya, Kanwarpura, Dungarja, Digod Road, Digod, Kota, Rajasthan dated 19/07/2019 is against the Order No. NRC/NCTE/NRCAPP-14167/301st/Meeting/2019/203648 dated 31.05.2019 of the Northern Regional Committee, confirming their order no. NRC/NCTE/NRCAPP-14167/257th (Part – 3) Meeting/2016/159943-46 dt. 13/10/2016 refusing recognition for conducting for D.El.Ed. Course on the grounds that "the institution was given show cause notice dt. 12/12/2015 with direction to submit the reply within 30 days and the institution did not submit any reply of show cause notice within stipulated time.

AND WHEREAS Sh. Bhuvnesh Sharma, Secretary and Sh. Ravindra Sharma, Staff, Gopeshwar Shikshak Prashikshan Mahavidyalaya, Kanwarpura, Dungarja, Digod Road, Digod. Kota, Rajasthan presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that this institution had been granted recognition for running 1 unit (50 Seats) of STC (D.El.Ed.) course by the NRC, NCTE vide letter dated 25.08.2008. The NCTE, New Delhi had issued a public notice on 27th Feb, 2015 through which NCTE invites applications for recognition of teachers training programmes for the academic session 2016-17, except the state and UTs, with listed programmes, as indicated in para 2 below. The applications in the prescribed form should be submitted "ONLINE" to the concerned Regional Committee along with fees and requisite documents as prescribed in NCTE (Recognition Norms and procedure) regulations 2014 from 1st March, 2015 to 31st May, 2015 and the last date was extended upto 30/06/2015. There was no ban was imposed in the State of Rajasthan for D.El.Ed. course. This institution had submitted online application for grant of recognition for 2 additional

units of D.El.Ed. course along with required fees and documents on 27/06/2015 and hard copy of application was submitted to NRC, NCTE on 10/07/2015. The Department of Elementary Education (Aayojana), Govt. of Rajasthan had sent a recommendation letter to Member Secretary, NCTE, New Delhi on 01.01.2018 in which it is clearly mentioned that N.O.C. for grant of recognition for fresh/additional intake of D.El.Ed. course for session 2019-20 will be issued for Govt./Private institutions. Copy of letter is annexed. The NRC, NCTE had not processed the application of this institution submitted for grant of recognition of 2 additional units of D.El.Ed. course. Being aggrieved from the action of NRC, NCTE, this institution had filled a S.B. Civil Writ Petition No. 22685/2018 in Hon'ble High Court of Rajasthan, Jaipur. Hon'ble Court had ordered to NRC, NCTE to adjudicate upon the pending application of petitioner as expeditiously as possible either in the next meeting scheduled or within three months from the date a certified copy of this order is presented. Copy of order of Hon'ble Court is annexed. This institution had submitted a representation to NRC, NCTE along with certified copy of order of Hon'ble court and requested to process the application of this institution for grant of recognition for 2 additional units of D.El.Ed. course on 12.10.2018. Copy of letter dated 12.10.2018 is annexed. The Director Elementary Education Rajasthan, Bikaner had issued N.D.C. for grant to recognition for D.El.Ed. course on 25.02.2019 to various institutions. The name of this institution is mentioned at S.No. 12. Copy of N.D.C. dated 25.02.2019 is annexed. That this institution had again submitted a request letter along with copy of N.O.C. for D.El.Ed. course to NRC, NCTE on 27.02.2019 with request to process the application of this institution. Copy of letter dated 27.02.2019 is annexed. This institution had again submitted a request letter along with copy of N.O.C. for D.El.Ed. course to NRC, NCTE on 05.03.2019 with request to process the application of this institution. Copy of letter dated 05.03.2019 is annexed. The NRC, NCTE has issued a order on 31.05.2019 to this institution in which it is mentioned that the file of this institution has already been processed and refusal order has been issued on 13.10.2016. The earlier order of NRC, NCTE stands still. In the Appeal of Adarsh Teacher Training College, Deoli, Rajasthan, Appeal Authority had already ordered on 12.09.2016 that the matter deserved to be

remanded to the NRC for considering the reply of the institution and take further action as per Regulations, 2014. The applicant is required to submit the reply/documents to NRC within 15 days from the issue of this orders. Copy of Appeal Order dated 12.09.2018 is annexed. NRC, NCTE had neither given any Show Cause Notice nor issued any rejection letter to this institution in respect to the application submitted by this institution for recognition of 2 additional units of D.El.Ed. course. The decision of NRC, NCTE is that the file has already been processed and refusal order has been issued on 13.10.2016. The earlier order of NRC, NCTE stands still. This decision has been taken on illegal, unlawful, unjustified, arbitrary and unconstitutional basis. So, it is prayed that the rejection order issued by NRC, NCTE for 2 additional units of D.El.Ed. course be set aside and direction be issued to NRC, NCTE for further processing of the application of this institution for grant of recognition for 2 additional units of D.El.Ed. course.

AND WHEREAS the Committee noted that according to the provisions of Clause 5 (3) of the NCTE Regulations, 2014, a No Objection Certificate (NOC) issued by the concerned affiliating body shall be submitted along with the application for grant of recognition/permission. As the appellant did not enclose the requisite No Objection Certificate to their application dt. 27/06/2015 (hard copy sent on 09/07/2015), the NRC issued a Show Cause Notice to the appellant on 12/12/2015 pointing out this deficiency. As the appellant did not respond to the Show Cause Notice, the NRC in their order dt. 13/10/2016 refused recognition. The appellant, on the basis of the orders of the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur dt. 04/10/2018 in S.B. Civil Writs No. 22685/2018 for adjudication of the pending application expeditiously, submitted a representation to the NRC on 05/03/2019, enclosing a copy of the orders of the Director, Primary Education, Rajasthan, Bikaner dt. 25/02/2019 granting NOC to a number of institutions, including the appellant, for D.El.Ed. course for the academic year 2019-20 and requested grant of recognition for two additional units of D.El.Ed.

AND WHEREAS the Committee noted that even before the appellant approached the Hon'ble High Court in 2018, the NRC had already disposed of their application on 13/10/2016 against which the appellant did not prefer any appeal to the Council. The appellant did not submit the requisite No Objection Certificate in time as per the NCTE Regulations, 2014. The Committee concluded that the NOC issued after refusal of recognition and that too three years and eight months after submission of application, cannot be considered at this stage. The appellant can utilise the NOC as and when applications for conducting D.El.Ed. course are invited by the Council. In these circumstances, 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 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 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, Gopeshwar Shikshak Prashikshan Mahavidyalaya, Kanwarpura, Dungarja, Digod Road, Digod, Kota – 325201, 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.

(12)

F.No.89-286/E-126571/2019 Appeal/26th Mtg.-2019/28th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of A.P. College of Education, Duddeda, Siddipet Revenue Division, Kondapak, Medak, Telangana dated 19/07/2019 is against the Order No. SRO/NCTE/APSO0398/B.Ed./TS/2019/104746-4751 dated 29.05.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "(i) The Committee noted that the A.P. College of Education, Siddipet Revenue Division, Duddeda, Medak District, Telangana was granted recognition for B.Ed. programme from the academic session 2002-03 with an annual intake of 120 students. Subsequently the institution was granted recognition for D.El.Ed. course from the academic session 2012-13 with an annual intake of 50 students. The Management made a request to shift the institution to another place in a different district which is not permissible as per rules; (ii) Further it is also observed that since last 3 academic years the University is not extending affiliation as such institution is not functional. (iii) It is also noted from the record requesting for shifting that the land is registered in the name of A.P. College of Education on 24th July, 2017. However, the building plan has been approved on 27.6.2016. Further the management has not obtained LUC. Therefore, the Committee is of the view on the basis of conflicting information available on the records that the Management is trying to mislead the SRC to shift the institution to another place which is irregular and illegal. In view of the above, the Committee decided to withdraw the recognition granted to A.P. College of Education, Siddipet Revenue Division, Duddeda, Medak District, Telangana and A.P. College of Elementary Education, Plot No. 609, Duddeda Village and Post Office, Kondapak Taluk and City, Medak District – 502277, Telangana for B.Ed. & D.El.Ed. programme respectively."

AND WHEREAS Sh. MA Naveemuddin, Representative and Sh. MA Shabbir Ahmed, President, A.P. College of Education, Duddeda, Siddipet Revenue Division, Kondapak, Medak, Telangana presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that the SRC, NCTE after processing of the application of the Appellant institution and conducting the expert inspection granted its recognition dated 03.07.2003 to the Petitioner institution for conducting B. Ed. Course from academic session 2002-03 with annual intake of 120 students. A true copy of the SRC NCTE recognition order dated 03.07.2003 is annexed. The SRC, NCTE after due inspection and verification also granted recognition for the D.El.Ed Course vide its Order dated 05.09.2012 from session 2013-2014. A true copy of the SRC NCTE recognition order dated 05.09.2012 is annexed. It is submitted that the Govt. of Andhra Pradesh vide its G. O. dated 05.01.2013 granted the affiliation to the Appellant Institution for starting D. El. Ed. Programme. It is submitted that the Management of the institution is approaching the SRC, NCTE since many years for the shifting of premises and had lastly submitted the Land Documents, Building Completion Certificate, Building Plan, CLU, NEC, etc. A True Copy of the Land Documents, Building Completion Certificate, Building Plan, CLU, NEC is being annexed. It is submitted that the SRC, NCTE vide its letter dated 22.04.2019 issued a show cause notice to the institution directing it to submit the Original documents of Society including list of members, Site Plan approved by the competent authority and building completion certificate. A True Copy of the Show Cause Notice dated 22.04.2019 is being annexed. It is submitted that the institution vide its Reply dated 29.04.2019 submitted the Original documents of Society including list of members, Site Plan approved by the competent authority and building completion certificate. A True Copy of the Reply dated 29.04.2019 is being annexed herewith. It is submitted that surprisingly the SRC, NCTE in its 375th meeting decided to withdraw the recognition of the institution without looking into the documents. It seems that the SRC confused with the documents or failed to co-relate the documents. 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 considered the documents including Building Completion

Certificate, Building Plan etc. and accorded the recognition order to the Appellant Institution and the recognition would not have been withdrawn without ascertaining the proper facts. It is submitted that the SRC NCTE vide its show cause notice only directed the Appellant Institution to submit the required documents which were submitted accordingly. It is submitted that the SRC vide its order dated withdrew the recognition of the Appellant Institution pointing out certain other points also which were not a part of show cause notice and Appellant had no opportunity to justify. That it is submitted that the SRC ought have given an opportunity to the Appellant institution to explain the building plan, BCC, Land Documents, etc. It is submitted that the withdrawal order of the SRC is totally devoid of the merit and is not as per the statutory provisions as mandated under NCTE Act, 1993. It is submitted that it appears that SRC, NCTE proceeded in a arbitrary manner without considering the documents proper. The appellant requested that their appeal may be allowed and recognition for their institution may be restored.

AND WHEREAS the Committee noted that the SRC issued Show Cause Notices from time to time, which were replied to by the appellant. The last show cause notice was issued on 22/04/2019, after considering the reply to another show cause notice issued on 13/03/2019 and finding that building plan was approved on a date earlier to the date of registration of land. In this latest show cause notice three land related documents were called for. The appellant replied to this Show Cause Notice on 29/04/2019. In this reply the appellant furnished some explanation for the difference in the dates of approval and registration, and also the land related documents, which were called for. The SRC, after considering that reply, withdrew recognition stating that (a) shifting of institution to another place in a different district is not permissible as per rules; (b) since last three academic years, the university is not extending affiliation and as such the institution is not functional; and (c) building plan was approved on 27/06/2016 whereas the land is registered on 24/07/2017 and the management has not obtained LUC.

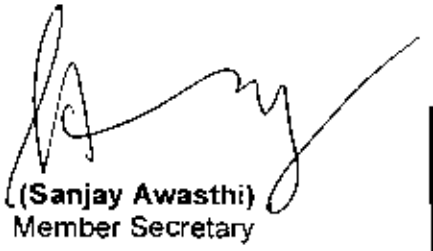
AND WHEREAS the Committee noted that while the grounds mentioned at (a) and (c) in para 3 above relate to the issue of shifting of premises, the ground mentioned at (b) is relevant at all times, irrespective of the location of the institution. The Committee noted that while this ground at (b) has not been cited in any of the show cause notices issued, the detailed withdrawal order itself at different places mentioned that LUC is in order.

AND WHEREAS the Committee noted that the appellant, in their appeal, besides referring to their reply dt. 29/04/2019, has not given any further explanation regarding difference in the dates of approval of building plan and registration of land. He has also not given any explanation regarding the grounds (a) and (b) mentioned in para 3 above. The appellant has only submitted that certain new points have been added in the withdrawal order and he ought to have been given an opportunity to explain.

AND WHEREAS the Committee observed that non-extension of affiliation by the university since the last three academic years, making the appellant institution non – functional, is a major deficiency for continuing recognition to this institution and the appellant, even at the appellate stage, did not furnish any explanation, whatsoever in this regard. In these circumstances, the Committee concluded that the SRC was justified in withdrawing recognition on the ground of non – extension of affiliation by the university since the last three years, making the appellant institution non-fuctional 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, A.P. College of Education, Duddeda, 609, Siddipet Revenue Division, Kondapak, Medak – 502277, Telangana.
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 Telangana, Hyderabad.

(13)

F.No.89-301/E-126571/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of A.P. College of Education, Duddeda, Siddipet Revenue Division, Kondapak, Medak, Telangana dated 19/07/2019 is against the Drder No. SRO/NCTE/SRCAPP546/D.El.Ed./TS/2019/104752-4757 dated 29.05.2019 of the Southern Regional Committee, withdrawing recognition for conducting for D.El.Ed. Course on the grounds that "(i) The Committee noted that the A.P. College of Education, Siddipet Revenue Division, Duddeda, Medak District, Telangana was granted recognition for B.Ed. programme from the academic session 2002-03 with an annual intake of 120 students. Subsequently the institution was granted recognition for D.El.Ed. course from the academic session 2012-13 with an annual intake of 50 students. The Management made a request to shift the institution to another place in a different district which is not permissible as per rules. (ii) Further it is also observed that since last 3 academic years the University is not extending affiliation as such institution is not functional. (iii) It is also noted from the record requesting for shifting that the land is registered in the name of A.P. College of Education on 24th July, 2017. However, the building plan has been approved on 27.6.2016. Further the management has not obtained LUC. Therefore, the Committee is of the view on the basis of conflicting information available on the records that the Management is trying to mislead the SRC to shift the institution to another place which is irregular and illegal. In view of the above, the Committee decided to withdraw the recognition granted to A.P. College of Education, Siddipet Revenue Division, Duddeda, Medak District, Telangana and A.P. College of Elementary Education, Plot No.609, Duddeda Village and post office, Kondapak Taluk and City,Medak District-502277, Telangana for B.Ed. & D.El.Ed progarmme respectively."

AND WHEREAS Sh. MA Naveemuddin, Representative and Sh. MA Shabbir Ahmed, President, A.P. College of Education, Duddeda, Siddipet Revenue Division, Kondapak, Medak, Telangana presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that the SRC, NCTE after processing of the application of the Appellant institution and conducting the expert inspection granted its recognition dated 03.07.2003 to the Petitioner institution for conducting B. Ed. Course from academic session 2002-03 with annual intake of 120 students. A true copy of the SRC NCTE recognition order dated 03.07.2003 is annexed. The SRC, NCTE after due inspection and verification also granted the recognition for the D.El.Ed Course vide its Order dated 05.09.2012 from session 2013-2014. A true copy of the SRC NCTE recognition order dated 05.09.2012 is annexed. It is submitted that the Govt. of Andhra Pradesh vide its G. O. dated 05.01.2013 granted the affiliation to the Appellant Institution for starting D. El. Ed. Programme. It is submitted that the Management of the institution is approaching the SRC, NCTE since many years for the shifting of premises and had lastly submitted the Land Documents, Building Completion Certificate, Building Plan, CLU, NEC, etc. A True Copy of the Land Documents, Building Completion Certificate, Building Plan, CLU, NEC is being annexed. It is submitted that the SRC, NCTE vide its letter dated 22.04.2019 issued a show cause notice to the institution directing it to submit the Original documents of Society including list of members, Site Plan approved by the competent authority and building completion certificate. A True Copy of the Show Cause Notice dated 22.04.2019 is being annexed. It is submitted that the institution vide its Reply dated 29.04.2019 submitted the Original documents of Society including list of members, Site Plan approved by the competent authority and building completion certificate as annexed in Para 7 of the appeal. A True Copy of the Reply dated 29.04.2019 is being annexed. It is submitted that surprisingly the SRC, NCTE in its 375th meeting decided to withdraw the recognition of the institution without looking into the documents. It seems that the S RC confused with the documents or failed to co-relate the documents. That it is submitted that the expert team of the NCTE visited the Appellant Institution and verified the infrastructural and instructional facilities.

Thereafter, the S RC 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 would not have been withdrawn without ascertaining the proper facts. That it is submitted that the SRC NCTE vide its show cause notice only directed the Appellant Institution to submit the required documents which were submitted accordingly. It is submitted that the SRC vide its order dated withdrew the recognition of the Appellant Institution pointing out certain other point also which was not a part of show cause notice and Appellant had no opportunity to justify. It is submitted that the SRC ought to have given an opportunity to the Appellant institution to explain the building plan, BCC, Land Documents, etc. It is submitted that the withdrawal order of the SRC is totally devoid of the merit and is not as per the statutory provisions as mandated under NCTE Act, 1993. It is submitted that it appears that SRC, NCTE proceeded in a arbitrary manner without considering the documents proper. The appellant requested that their appeal may be allowed and recognition for their institution may be restored.

AND WHEREAS the Committee noted that the SRC issued Show Cause Notices from time to time, which were replied to by the appellant. The last show cause notice was issued on 22/04/2019, after considering the reply to another show cause notice issued on 13/03/2019 and finding that building plan was approved on a date earlier to the date of registration of land. In this latest show cause notice three land related documents were called for. The appellant replied to this Show Cause Notice on 29/04/2019. In this reply the appellant furnished some explanation for the difference in the dates and also the land related documents, which were called for. The SRC, after considering that reply, withdrew recognition stating that (a) shifting of institution to another place in a different district is not permissible as per rules; (b) since last three academic years, the university is not extending affiliation and as such the institution is not functional; and (c) building plan was approved on 27/06/2016 whereas the land is registered on 24/07/2017 and the management has not obtained LUC.

AND WHEREAS the Committee noted that while the grounds mentioned at (a) and (c) in para 3 above relate to the issue of shifting of premises, the ground mentioned at (b) is not relevant to the D.El.Ed. course. As regards the LUC mentioned in the ground at (c) above, the Committee noted that the detailed order of withdrawal order itself at different places mentioned that LUC is in order.

AND WHEREAS the Committee noted that the appellant, in their appeal, besides referring to their reply dt. 29/04/2019, has not given any further explanation regarding difference in the dates of approval of building plan and registration of land and any explanation on the ground (a) mentioned in para 3 above. The appellant has only submitted that certain new points have been added in the withdrawal order and he ought to have been given an opportunity to explain.

AND WHEREAS the Committee observed that as the SRC has given recognition to D.El.Ed. course on 05/09/2012, they should have issued the withdrawal order separately for this course, without including the ground of non-extension of affiliation by the university, which is not relevant for D.El.Ed. course. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to consider the submission of the appellant and issue a revised order in respect of the D.El.Ed. course specifically mentioning the relevant grounds.

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 to the SRC with a direction to consider the submission of the appellant and issue a revised order in respect of the D.El.Ed. course specifically mentioning the relevant grounds.

NOW THEREFORE, the Council hereby remands back the case of A.P. College of Education, Duddeda, Siddipet Revenue Division, Kondapak, Medak, Telangana to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, A.P. College of Education, Duddeda, 609, Siddipet Revenue Division, Kondapak, Medak – 502277, Telangana.
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 Telangana, Hyderabad.

(14)

F.No.89-287/E-126570/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Sri Tatiparthi Venka Reddy Memorial College of Education, Guduri Anjaneyulu Building, Chimakurthy, Prakasam, Andhra Pradesh dated 22/07/2019 is against the Order No. SRO/NCTE/APSO8400/B.Ed/AP/2019/103823-3628 dated 24.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the institution has not submitted certified copy of land documents. Land Use Certificate issued by the Competent Authority. Non-Encumbrance Certificate issued by the Competent Authority. Latest faculty list as per as the Amended NCTE Regulations, 2017. FDRs for Endowment Fund and Reserve Fund. Hence, the Committee decided to withdraw the recognition under Section 17(1) of the NCTE Act."

AND WHEREAS the appellant, aggrieved by the order of the SRC, filed a W.P. (C) 7426/2019 and CM No. 30965/2019 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 12/07/2019, permitted the petitioner to file the appeal against the impugned order of the Southern Regional Committee before the Appellate Authority under the NCTE by 19/07/2019. The Hon'ble High Court also observed that in the event of such appeal being filed, the same shall be decided by the Appellate Committee as expeditiously as possible and within a period of six weeks from the date of institution of the said appeal. The Hon'ble High Court further observed that the petitioner would be permitted to participate in the counselling during the said period till the decision of the Appellate Committee and the operation of the impugned order withdrawing the recognition granted to the petitioner for running the B.Ed. two unit programme in the academic session 2019-20 is stayed.

AND WHEREAS Sh. M. Chakrapani Reddy, Treasure, Sri Tatiparthi Venka Reddy Memorial College of Education, Guduri Anjaneyulu Building, Chimakurthy, Prakasam, Andhra Pradesh presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that it is submitted that the SRC vide its order dated 24.04.2019 has withdrawn our recognition observing as under: The institution has not submitted certified copy of land documents. Land Use Certificate issued by the Competent Authority. Non-Encumbrance Certificate issued by the Competent Authority. Latest faculty list as per the Amendment NCTE Regulation, 2017. FDRs for Endowment Fund and Reserve Fund. The SRC, NCTE after conducting the expert visit and verifying the Appellant's infrastructural and instructional facilities vide its order dated 19.12.2007 granted permission for running the B. Ed. Course from academic session 2007-2008. Accordingly, the Appellant institution was also affiliated by the Acharya Nagarjuna University and the affiliation is continued till date. Also, the Government of Andhra Pradesh recognized and permitted the Appellant institution for running the B. Ed Course and the said permission is still continued till date. It is submitted that SRC, NCTE issued revised recognition order dated 26.05 2015 to the Appellant institution for running B. Ed. course with annual intake of 100 students. A True copy of the SRC, NCTE revised recognition order dated 26.05.2015 is annexed. It is submitted that the NCTE headquarter vide its letter dated 13.08.2018 informed the Regional Director of the Regional Committee informed as under: *"It may be informed that the notification dated 09.06.2017 is likely to be amended to include SLET qualified persons also. The matter is pending in MH RD as of now. Accordingly, the condition arising out of notification dated 09.06.2017 should not be mixed with the affidavit exercised initiated some time in 2015. It would be advisable to await amendment to the notification 09.06.2017 before initiating proceedings of withdrawal of recognition merely on the ground that the faculty have not NET qualified. It is clarified that any new recognition should follow the direction content in the notification dated 09.06.2017"*. A True Copy of the NCTE HQ letter dated 13.08.2018 is annexed. That it is submitted that the Secretary of the Appellant institution died on 17.09.2018. It is submitted that all the day to day management alongwith the entire college files were managed by Secretary. That it is submitted that the SRC, NCTE issued show cause notice dated

12.10.2018 to the Appellant institution as under:" The applicant-institution was running a B. Ed. programme. After notification of the 2014 Regulations, because of the increase in the course-period from 1 to 2 years, because of increased requirements of facilities (especially of built-up area and faculty), they were given a RPRO and required to furnish documents for verification of satisfaction of the new norms/standards. The applicant in this case has not adequately responded. Therefore, issue a Show Cause Notice for withdrawal of recognition. If they do not respond satisfactorily, we can proceed to withdraw the recognition given." A true copy of the SRC, NCTE Show Cause Notice dated 12.10.2018 is being annexed. It is submitted that the Petitioner institution vide letter dated 07.01.2019 informed the SRC that the secretary of the Society died and therefore the institution failed to reply within the time. It is relevant to state that on 07.01.2019 petitioner institution submitted the entire compilation of the documents to the SRC office by hand including Staff Profiles approval, BCC, Building Plan, Land Use Certificate, etc. True Copy of the Petitioner letter dated 07.01.2019 alongwith the relevant documents submitted in the SRC is being annexed. It is submitted that the SRC, NCTE vide its withdrawal order dated 24.04.2019 withdrew the recognition of the Appellant institution on the other grounds not included in show cause notice and without giving any opportunity to the institution. It is submitted that the Appellant institution filed W.P. (C) 7426/2019 before Hon'ble High Court of Delhi, whereby Hon'ble High Court vide its order dated 12.07.2019 Stayed the operation of the impugned withdrawal order of the SRC. A True Copy of the order dated 12.07.2019 passed in W.P. C. No. 7426/2019 is annexed herewith. It is submitted that the order dated 12.07.2019 was uploaded on 20-21.07.2019 on the website of Hon'ble High Court and Appellant filed the appeal on 23.07.2019. 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 would not have been withdrawn without ascertaining the proper facts. The appellant requested that recognition of their institution may be restored.

AND WHEREAS the Committee noted that, the Show Cause Notice dt. 12/10/2018 issued to the appellant institution, is couched in general terms and it is not mentioned therein that the Notice was being issued in terms of Proviso under Section 17 (i) of the NCTE Act, 1993 proposing withdrawal of recognition. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to issue a fresh Show Cause Notice, specifying the grounds in clear terms, such as Building Completion Certificate to ensure that the appellant has adequate built up area, and take further action as per the NCTE Act, Regulations, etc.

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 with a direction to issue a fresh Show Cause Notice, specifying the grounds in clear terms, such as Building Completion Certificate to ensure that the appellant has adequate built up area, and take further action as per the NCTE Act, Regulations, etc.

NOW THEREFORE, the Council hereby remands back the case of Sri Tatiparthi Venka Reddy Memorial College of Education, Guduri Anjaneyulu Building, Chimakurthy, Prakasam, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Appellant, Sri Tatiparthi Venka Reddy Memorial College of Education, No.3-10-1, Guduri Anjaneyulu Building, Opp. R.T.C. Bust Stand, Chimakurthy, Prakasam – 523226, 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.

(15)

F.No.89-288/E-126525/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Rajasthan T.T. College, Mandawa Road, Jhunjhunu, Rajasthan dated 19/07/2019 is against the Order No. NRC/NCTE/NRCAPP-201615212/(ID No.-9018)/301st Meeting/2019/203254 dated 22.05.2019 of the Northern Regional Committee, granting recognition for conducting one unit (50) of B.A. B.Ed. course. The appellant wants recognition for two units (100).

AND WHEREAS Sh. Dhan Raj Jain, Representative and Sh. Harsh Kumar, Representative, Rajasthan T.T. College, Mandawa Road, Jhunjhunu, Rajasthan presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that they applied on 10/06/2016 for grant of recognition of two units of B.A. B.Ed./B.Sc. B.Ed. and after due scrutiny of the documents and the report of the Visiting Team, the NRC issued the Letter of Intent under Clause 7 (13). The appellant appointed faculty members duly approved by the affiliating university and sent the list to the NRC. The NRC in their 301st meeting held from 9th to 11th May, 2019 decided to grant recognition for one unit of B.A. B.Ed. , without any basis. While they applied for two units and the Visiting Team also recommended two units, the NRC without affording an opportunity of hearing granted recognition in their order dt. 22/05/2019 for one unit only. The appellant mentioned that some institutions have been given two units ignoring the aspect that they have less built up area in comparison to the appellant institution. The appellant has made a huge investment in infrastructure, building and other amenities and appointed staff for two units. Further, the Regulations, 2014 say that if all requirements are fulfilled, no lesser seats be approved.

AND WHEREAS the Committee noted that the appellant applied for two units of B.A. B.Ed./B.Sc. B.Ed. vide their online application dt. 28/05/2016. The Visiting Team conducted an inspection on 13/12/2018 and 14/12/2018 and in their report, they noted

that the proposal was for two units of B.A. B.Ed./B.Sc. B.Ed. course and recommended that the facilities available in the college are appropriate for running B.A. B.Ed. and B.Sc. B.ED. programme. The NRC in the Letter of Intent dt. 12/02/2019 indicated the intake as two units (100 intake). The appellant, in response to the Letter of Intent, submitted various documents, which included a staff list of one Principal and 15 teachers duly countersigned by the Registrar, Pt. Deendayal Upadhyaya Shekhawati University, Sikar, Rajasthan. The NRC, however, decided to grant recognition for one unit of B.A. B.Ed. course.

AND WHEREAS the Committee did not find any reasons recorded in the NRC's file for granting recognition for one unit of B.A. B.Ed. only. In these circumstances, the Committee concluded that the matter deserved to be remanded to the NRC with a direction to issue a self-speaking communication/order to the appellant about their decision to grant recognition for one unit of B.A. B.Ed. only.

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 case deserves to be remanded back to the NRC with a direction to issue a self-speaking communication/order to the appellant about their decision to grant recognition for one unit of B.A. B.Ed. only.

NOW THEREFORE, the Council hereby remands back the case of Rajasthan T.T. College, Mandawa Road, Jhunjhunu, Rajasthan to the NRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Manager, Rajasthan T.T. College, Mandawa Road, Jhunjhunu – 333001, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawar, 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.89-289/E-126580/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Maharshi Savitha College of Education, NGEF Layout, Nagashettyhalli, Karnataka dated 19/06/2019 is against the Order No. SRO/NCTE/APSO1932/B.Ed/KA/2019/103558 dated 23.04.2019 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the infrastructural facilities are not as in accordance with the NCTE requirements. Certified copies of land documents not submitted. LUC is not submitted. Faculty list submitted by the institution is not as per NCTE Regulations amended from time to time."

AND WHEREAS Dr. Krishna Murthy, Principal and Sh. Srinivas. N, Administrator Officer, Maharshi Savitha College of Education, NGEF Layout, Nagashettyhalli, Karnataka dated presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that the SRC decision to withdraw the recognition of the institution for the B.Ed. course without giving any reasonable opportunity to the institution is against the first proviso of section 17 of the NCTE Act. The SCN dated 05.02.2019 was adequately replied by the reply letter of the institution, which was received by the SRC NCTE on 25.02.2019. It is pertinent to state that there were some papers, which the institution could, not file but possesses all the documents. The SRC NCTE may have given the opportunity to the institution as per the proviso of the Section 17 against the proposed withdrawal order and the institution would have presented all the documents if any required. The institution has followed all the norms and standard prescribed by the NCTE Regulations 2014. The ground for the withdrawal of the recognition is totally based on wrong analysis and incorrect consideration of the prevailing law enforced and wrong examination of the documents. The Appellant has invested huge amount of capital and manpower for development of infrastructure and facilities at its institution and respondent is illegally blocking it from

running the course which is clearly unwarranted and unlawful. The appellant, with their appeal, forwarded copies of various supporting documents.

AND WHEREAS the Committee noted that the SRC, in their Show Cause Notice dt. 05/02/2019, specifically mentioned that the Notice was being issued under Section 17 (1) of the NCTE Act 1993 and the appellant institution should submit their written representation within a period of 30 days from the date of issue of the Notice.

AND WHEREAS the Committee noted that while the Show Cause Notice mentioned certain documents which were not submitted by the appellant, the withdrawal order pointed out that "infrastructural facilities are not in accordance with the NCTE requirements", without clearly mentioning what they are. The requirement of certified copies of land documents was also not included in the show cause notice.

AND WHEREAS the Committee noted that the appellant in their appeal against the withdrawal order furnished copies of land documents, Land possession certificate and a faculty list of 14 faculty members for the academic session 2019-20 countersigned by the Registrar, Bengaluru Central University in May, 2019, which was not submitted with their reply dt. 22/02/2019 to the Show Cause Notice. This faculty is not adequate for two units.

AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to issue a fresh show cause notice indicating the grounds in specific and unambiguous terms and take further action as per the NCTE Regulations, 2014.

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 with a direction to issue a fresh show cause notice indicating the grounds in specific and unambiguous terms and take further action as per the NCTE Regulations, 2014.

NDW THEREFORE, the Council hereby remands back the case of Maharshi Savitha College of Education, NGEF Layout, Nagashettyhalli, Karnataka to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Principal, Maharshi Savitha College of Education, No.6, NGEF Layout, Nagashettyhalli – 560094, 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.

(17)

F.No.89-290/E-126923/2019 Appeal/26th Mtg.-2019/26th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 26/09/2019

ORDER

WHEREAS the appeal of Sri Krishnaveni College of Education, Tatineni Nagar, Village & PO Poranki, Penamaluru, Krishna, Andhra Pradesh dated 28/07/2019 is against the Orders No. SRO/NCTE/SRCAPP3485/B.Sc.8.Ed/AP/2019/103365 dated 15.04.2019 and NO. SRO/NCTE/SRCAPP3485/B.A. B.Ed./AP/2019/103372 dated 15/04/2019 of the Southern Regional Committee, (i) withdrawing recognition for conducting B.Sc. B.Ed. Course and (ii) refusing recognition for 8.A. B.Ed. course, respectively on the grounds that "on perusal of the records and the inspection report sent by the APSCHE, it is evident that the institution is not fulfilling any of the conditions stipulated by the NCTE Norms & Standards. Hence, decided to withdraw the recognition for B.Sc. B.Ed. programme and refuse to consider the recognition for the proposed B.A. B.Ed. programme."

AND WHEREAS the appellant, aggrieved by the order of the SRC dt. 15/04/2019 withdrawing recognition for conducting B.Sc. B.Ed. course, filed W.P. (C) 7855/2019 & CM APPL32667/2019 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court, in their order dt. 22/07/2019, considering the submission of the petitioner that he seeks to file an appeal under Section 18 (1) of the NCTE Act along with the application seeking condonation of delay, in terms of proviso to Section 18 (2) of the said enactment, directed that in the event of petitioner filling the appeal by 29/07/2019, along with the requisite application seeking condonation of delay in filing the appeal with reasons for the same, till such appeal is taken up for hearing the operation of the impugned order dt. 15/04/2019 would stand stayed and the petitioner is allowed to participate in counselling process.

AND WHEREAS the appellant, along with the appeal, filed an application for condonation of delay. The delay is one month and 13 days beyond the prescribed

period of 60 days from the date of issue of the order appealed against. The appellant, in their application, submitted that fearing loss of the current academic session as the appeal procedure generally takes 90 days, they filed the Writ Petition before the Hon'ble High Court, who directed filing of statutory appeal (by 29/07/2019). He requested condonation of the delay. The Committee decided to condone the delay and took up the appeal for consideration.

AND WHEREAS Sh. Gopi Nath, Secretary, Sri Krishnaveni College of Education, Tatineni Nagar, Village & PO Poranki, Penamaluru, Krishna, Andhra Pradesh presented the case of the appellant institution on 26/08/2019. In the appeal and during personal presentation it was submitted that "the Appellant Institution vide its application dated 17.06.2015 submitted online application to the NCTE seeking recognition for B.A. B.Ed. / B.Sc. B.Ed. Course. The Appellant Institution vide its letter dated 29.05.2015 submitted on 18.06.2015 the hard copy of the application along with relevant annexures to the SRC, NCTE as per Regulation, 2014. The SRC, NCTE vide its letter dated 12.01.2016 informed the Appellant Institution that expert inspection of the Appellant Institution will be conducted, and the Appellant has to choose either B.Sc. B.Ed. or B.A. B.Ed. The expert team of the SRC conducted the inspection of the Appellant Institution and the SRC after being satisfied regarding the infrastructural and instructional facilities as prescribed in the norms issued its letter of intent dated 11.02.2016 to the Appellant Institution for the B.Sc. B.Ed. Programme. It is submitted that the Krishna University vide its letter dated 29.02.2016 approved the faculties of the Appellant Institution as per the norms. Accordingly, Appellant Institution submitted the approved staff list along with FDRs and other compliances to the SRC and requested to issue a recognition order. The SRC, NCTE after scrutinizing the application and expert report, the certificate issued from the university, etc. issued its recognition order dated 31.03.2016 to the Appellant Institution for running B.Sc. B.Ed. Course with annual intake of 50 students. A true copy of the recognition order dated 31.03.2016 issued by the SRC, NCTE for B.Sc. B.Ed. Course is annexed. The Appellant Institution vide its letter dated 02.05.2016 requested the SRC, NCTE that Appellant Institution has been already granted recognition for B.Sc. B.Ed. however, Appellant has not been considered for B.A. B.Ed. Course despite having the requisite infrastructure and other facilities and requested to

sanction B.A. B.Ed. also. A true copy of the Appellant letter dated 02.05.2016 is annexed. The Commissionar of School Education, Andhra Pradesh vide its letter dated 01.06.2016 granted its permission to the Appellant Institution for B.Sc. B.Ed. Course. A true copy of the letter dated 01.06.2016 issued by the Commissioner of School Education, Andhra Pradesh is annexed. The Appellant Institution vide its letter dated 26.10.2016 again requested the SRC to consider for B.A. B.Ed. A true copy of the Appellant letter dated 26.10.2016 is annexed. The SRC, NCTE issued letter of intent dated 02.02.2017 for B.Sc. B.Ed. instead of B.A. B.Ed. It is relevant to state that Appellant was already recognized for B.Sc. B.Ed. and was requesting for B.A. B.Ed. A true copy of the letter of intent dated 02.02.2017 issued by the SRC, NCTE for B.Sc. B.Ed. Course is annexed herewith. It is submitted that the Appellant Institution vide its letter dated 08.02.2017 informed the SRC that LOI for B.Sc. B.Ed. has been issued instead of B.A. B.Ed. A true copy of the Appellant letter dated 08.02.2017 is annexed herewith. The SRC vide its letter dated 10.03.2017 withdrew the LOI dated 02.02.2017. A true copy of the letter dated 10.03.2017 issued by the SRC, NCTE is annexed herewith. The SRC, NCTE issued a Show Cause Notice dated 24.01.2019 observing that LOI dated 02.02.2017 was issued wrongly and the same was withdrawn consequently, B.A. B.Ed. Course has to be held to be remaining dormant at the LOI stage and the B.A. B.Ed. may be reopened for issua of Show Cause Notice for rejection. A true copy of the Show Cause Notice dated 24.01.2019 is annexed. It is submitted that the Appellant Institution vide its reply dated 11.02.2019 responded to the Show Cause Notice of the SRC. A true copy of the Appellant's reply dated 11.02.2019 is annexed. The SRC, NCTE vide its order dated 15.04.2019 withdrew the recognition of the Appellant Institution for B.Sc. B.Ed. Course without considering the reply to the Show Cause Notice and on frivolous grounds. It is submitted that the SRC, NCTE vide its order dated 15.04.2019 refused the recognition of the Petitioner Institution for B.A. B.Ed. Course without considering the reply to the Show Cause Notice and on frivolous grounds. It is submitted that on the same infrastructure the SRC granted the recognition after verifying the infrastructure and approved faculty list and in light of supra SRC cannot pass a withdrawal order. It is submitted that SRC, NCTE was wrong in passing the impugned order as the act stipulates the provision for withdrawal of

recognition from next academic session. It appears that SRC, NCTE proceeded in arbitrary manner without considering the documents proper. The SRC vide its order dated 15/04/2019 has withdrawn our recognition, whereby the recognition of the appellant institution running B.Sc. B.Ed. course since 2016 has been decided to be withdrawn under provisions of Section 17 (1) of the NCTE Act, 1993 contrary to the statutory provisions and without application of mind by the SRC. Also, SRC proceeded to refuse the application of the appellant seeking recognition for B.A. B.Ed. It is, therefore, most respectfully prayed that NCTE may graciously be pleased to:- (i) Restore the Recognition of the Applicant Institution for B.Sc./B.Ed. withdrawn by the SRC vide its order dated 15.04.2019 and remand the B.A. B.Ed. refusal order.

AND WHEREAS the Committee noted that in respect of the B.Sc. B.Ed. course, which was granted recognition on 31/03/2016, the SRC issued a SCN dt. 14/03/2019, stating that "they have to issue SCN based on the APHEC inspection report", without either mentioning the details of this report or the action proposed to be taken in case no representation is received within the stipulated time. The SCN did not mantion the relevant Section of the NCTE Act, 1993 under which it was issued or the specific grounds on which it was issued. If the intention of the SRC was to withdraw recognition, they should have issued a Show Cause Notice as required under the proviso to Section 17 (1) of the NCTE Act, stating the action proposed to be taken and mentioning the grounds in specific terms so as to enable the recognised institution to make a written representation. While this has not been done, the order of withdrawal made a general and sweeping statement that the institution is not fulfilling any of the conditions stipulated by the NCTE Norms and Standards.

AND WHEREAS the Committee noted that in respect of B.A. B.Ed. course, which has been refused recognition, the SRC issued a Letter dt. 24/01/2019 asking the appellant to submit 'requisite details', which have not been specified in this letter. This is not a Show Cause Notice which is required to be issued before refusing recognition as per the Proviso under Section 14 (3) (b) of the NCTE Act to enable the institution to make a written representation. While this has not been done, the order of refusal made

a general and sweeping statement, which is identical to the one made for the withdrawal of recognition of B.Sc. B.Ed. course.

AND WHEREAS the above position, clearly indicates that the SRC has not followed the statutory provisions contained in Section 14 and 17 of the NCTE Act, before issuing orders for withdrawing recognition for B.Sc. B.Ed. course and refusing recognition for B.A. B.Ed. course. In these circumstances, the Committee concluded that the matter deserved to be remanded to the SRC with a direction to issue formal Show Cause Notices citing the relevant provisions of the NCTE Act, 1993 and specifying the grounds on which the Show Cause Notices are issued in clear and unambiguous terms and take further action as per the provisions of the NCTE Act, Regulations etc.

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 with a direction to issue formal Show Cause Notices citing the relevant provisions of the NCTE Act, 1993 and specifying the grounds on which the Show Cause Notices are issued in clear and unambiguous terms and take further action as per the provisions of the NCTE Act, Regulations etc.

NOW THEREFORE, the Council hereby remands back the case of Sri Krishnaveni College of Education, Tatineni Nagar, Village & PO Poranki, Penamaluru, Krishna, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

(Sanjay Awasthi)
Member Secretary

1. The Secretary, Sri Krishnaveni College of Education, Plot No. 36/2, Tatineni Nagar, Poranki Village & PO Poranki, Penamaluru, Krishna – 521137, 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.