



F.No.89-310/E-128163/2019 Appeal/28th 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 Smt. Maniba Mahila B.Ed. College, Vahelal, Naroda, Dascroi, Ahmedabad, Gujarat dated 31/07/2019 is against the Order No. WRC/APW00501/323133/2015/142365 dated 31.05.2015 of the Western Regional Committee, granting recognition for one unit for conducting B.Ed. course. The WRC, in compliance of the Appellate order dt. 05/06/2018, setting aside the withdrawal order dt. 02/01/2018 and remaining the matter to the WRC, in their letter no. WRC/APW00501/323133/B.Ed./294th /Guj/199245-48 Dt. 11/07/2018 restored the revised recognition order dt. 31/05/2015 for an intake of 50 students (one unit). The appellant wants recognition for 100 students.

AND WHEREAS Sh. Hasmukh M. Goswami, Managing Trustee and Sh. D.P. Negi, Advisor, Smt. Maniba Mahila B.Ed. College, Vahelal, Naroda, Dascroi, Ahmedabad, Gujarat dated presented the case of the appellant institution on 28/06/2019. In the appeal and during personal presentation it was submitted that in terms of provisions contained in NCTE Regulations, 2014, our institution had submitted to WRC, NCTE, through oversight and due to typographical error, an option for one basic unit of 50 students instead of two basic units (i.e. 100 students) for conducting B.Ed. Programme of two years duration vide our letter no. 2014/15-16/24 dated 12.01.2015. We already had an annual approved intake of 100 students for B.Ed. programme since inception of our institution in 2005 and as a matter of fact we wished to opt for two basic units of 50 students each for the said programme and not only one unit. On receipt of revised recognition order no. WRC/APW00501/323133/2015/142365 dated 31.05.2015 from WRC, NCTE granting us annual intake of 50 students (one basic unit) from the academic session 2015-16, we realized the mistake/slippage on our part in not opting for two basic units each of 50 students. In the circumstances, we had submitted the representation vide our letter no. 2015-16/01 dated 30.06.2015

addressed to the Regional Director, WRC, NCTE praying to grant us annual intake of two basic units of 50 students each instead of one basic unit of 50 students and arrange to issue a fresh revised recognition order to that effect. Subsequent to submission of the above mentioned representation, we have submitted various reminders to the Regional Director, WRC, NCTE vide our letters no. SMET/SMMBC/NCTE/2016-17/17 dated 13.01.2016, SMME/NCTE/2017-18/78 dated 13.07.2017, SMET/SMMBC/NCTE/2018-19/05 dated 25.07.2018, SMET/SMMBC/WRC-NCTE/2018-19/11 dated 08.10.2018 and SMET/SMMBC/WRC-NCTE/2018-19/23 dated 11.04.2019. However, in spite of repeated reminders and also telephonic requests, we have not so far received any response. Hence, we are submitting this appeal with a prayer to grant us annual intake of two basic units each of 50 students. As stated hereinbefore, our institution had an annual intake of 100 students (two basic units of 50 students each) since its inception in 2005 and wished to opt for two basic units of 50 students each even after the implementation of NCTE Regulations, 2014. We have sufficient land and created necessary academic/physical infrastructure and facilities for running the B.Ed. programme with annual intake of 100 students even before applying for obtaining the initial recognition from WRC, NCTE in 2005. We have appointed adequate academic (teaching) faculty members, administrative and professional non-teaching and supporting staff in terms of the provisions of NCTE Regulations, 2014 as amended from time to time and fulfil, norms, standards and all requisite conditions for the same.

AND WHEREAS the Committee noted from the file of the WRC that the appellant institution was granted recognition for conducting B.Ed. course of one year duration with an intake of 100 students on 23/04/2005. The WRC in their order dt. 05/09/2014 granted permission to change the affiliating university from SNDT University to Gujarat University. The WRC issued revised recognition order under the NCTE Regulations, 2014 for conducting B.Ed. course of one unit (50 students) on 31/05/2015. As the appellant did not fulfil the conditions of the revised order, WRC issued a Show Cause Notice on 05/08/2016. After considering the appellant's reply dt. 20/08/2016 to the Show Cause Notice, the WRC withdrew recognition vide their order dt. 02/01/2018. The appellant preferred an appeal against this order and the Appellate Authority in their order dt. 05/06/2018 remanded the matter to the WRC for reconsideration. Thereafter

the WRC considered the matter and in their order dt. 11/07/2018 restored the revised recognition order dt. 31/05/2015 for conducting the B.Ed. course of two years duration with annual intake of 50 students (one basic unit).

AND WHEREAS the Committee noted that the appellant admitted that at the time of grant of revised recognition under the NCTE Regulations, 2014, they did not opt for two units (100 intake) by mistake. The Committee noted that the appellant, in their affidavit dt. 12/01/2015, clearly mentioned that from the academic year 2015-16 onwards they are selecting 'one basic unit for 50 students'; these words in quotation having been underlined by the appellant. The WRC took further action as per the option of the appellant and issued the revised recognition for one unit as far back as 31/05/2015. Even this order underwent withdrawal subsequently and it was only after appeal, it was restored on 11/07/2018.

AND WHEREAS in view of the above position, the Committee concluded that there is no justification to consider the appeal at this stage and therefore, it deserved to be rejected. The appellant is free to apply for additional intake as and when applications are invited by the Council.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced, the Committee concluded that there is no justification to consider the appeal at this stage and therefore, it deserved to be rejected. The appellant is free to apply for additional intake as and when applications are invited by the Council.



(Sanjay Awasthi)
Member Secretary

1. The Principal, Smt. Maniba Mahila B.Ed. College, Vahelal, 733, Naroda, Dascroi, Ahmedabad – 382330, Gujarat.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



F.No.89-311/E-128235/2019 Appeal/28th 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 Ehiapur B.Ed. College, Ehiapur, Ehiapur Road, Ketugram-1, Burdwan, West Bengal dated 24/06/2019 is against the Order No. ER-271.1.24/(APE00901)/B.Ed./2019/60492 dated 20.05.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "a second show cause notice dt. 26/11/2018 was issued on the ground that validity of earlier submitted FDRs issued by Allahabad Bank expired on 25/04/2018. The institution is required to submit FDRs of Rs. 5 lakhs and Rs. 7 lakhs towards EF and RF in joint operation mode as per NCTE Regulations, 2014. No reply received from the institution till date. Therefore, recognition granted to the institution viz. Ehiapur B.Ed. College, Village & P.O. Ehiapur, P.S. Ketugram, District – Burdwan, West Bengal – 713129 (Code No. APE00901) for B.Ed. course is hereby withdrawn under Section 17 (1) of the NCTE Act, 1993 with effect from the academic session 2019-2020."

AND WHEREAS Ms. Smita Chatterjee, Secretary and Dr. Abul Hossain Biswas, President, Ehiapur B.Ed. College, Ehiapur, Ehiapur Road, Ketugram-1, Burdwan, West Bengal dated presented the case of the appellant institution on 28/08/2019. In the appeal and during personal presentation and in a letter dt. 28/08/2019 it was submitted that while they complied with the first show cause notice, they could not comply with the second show cause notice due to severe illness and hospitalisation of their Secretary and President. The appellant enclosed copies of two FDRs for Rs. 5 lakhs and Rs. 7 lakhs jointly taken with the Regional Director, ERC with the maturity date of 03/07/2024.

AND WHEREAS the Committee, noting that the appellant has fulfilled the only deficiency pointed out in the second show cause notice, concluded that the matter deserved to be remanded to the ERC with a direction to consider the FDRs to be

submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the two FDRs, in original, within 15 days of receipt of orders on the appeal.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced, the Committee concluded to remand back the case to the ERC with a direction to consider the FDRs to be submitted to them by the appellant and take further action as per the NCTE Regulations, 2014. The appellant is directed to forward to the ERC the two FDRs, in original, within 15 days of receipt of orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Ehiapur B.Ed. College, Ehiapur, Ehiapur Road, Ketugram-1, Burdwan, West Bengal to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Ehiapur B.Ed. College, Ehiapur, Ehiapur Road, Ketugram-1, Burdwan – 713129, 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, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-33/E-60421/2018 Appeal/28th 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 Nagina Devi Teachers Training College, Bal Vidya Niketan, Patel Nagar, Jehanabad, Bihar dated 19/01/2018 is against the Order No. ERC/244.12(i)24/11308/D.El.Ed./ERCAPP201646269/2017/55001 dated 13.11.2017 of the Eastern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "(a) Two Show Cause Notices were issued on 15.02.2017 & 05.04.2017 on the following grounds: Affidavit on Rs. 100/- non-judicial stamp paper in original is not submitted and not in the prescribed format. As per building plan, the total built-up area mentioned as 3769.2 sq. mts. which is less than the required 4000 sq. mts. stipulated for D.El.Ed. (two units) + proposed B.Ed. (two units) as per Regulations, 2014. Building plan is not approved by Govt. Engineer. Building Completion Certificate issued from Govt. Engineer / Authority is not submitted. Non-encumbrance certificate issued from Land Registering Authority is not submitted. (b) No reply received from institution till date. In view of the above, the Committee decided as under:- The Committee is of the opinion that application bearing Code No. ERCAPP201646269 of the institution regarding recognition of applied D.El.Ed. Programme is refused under section 14(3)(b) of NCTE Act, 1993." This appeal was rejected and the order of the ERC was confirmed by the Appellate Authority in their order dt. 16/05/2018 on the ground that the forum of appeal is not an extension of the Regional Committee to submit documents at a belated stage without any valid reason.

AND WHEREAS the appellant, aggrieved by the Appellate order dt. 16/05/2018, filed a W.P. (C) 9004/2018 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court passed their order on 22/07/2019, the operative part of which is as follows:-

"Taking into account the factum that vide the impugned orders dated 16.05.2018 bearing No.F.No.89-34/E-60424/2018 Appeal/5th Mtg.-2018/5th & 6 April, 2018 and dated 16.05.2018 bearing no. F.No.89-33/E-60421/2018 Appeal/5th Mtg.-2018/5th & 6th April, 2018, it is brought forth that the building plan and Building Completion Certificate had apparently been placed before the Appellate Committee i.e. the NCTE, the appeal being an extension of the proceedings that had been pending before the ERC, the respondent no.2, it is considered appropriate to set aside the impugned orders dated 16.05.2018 as issued by the respondent no.1 which are so set aside with the matter being remanded back to the respondent no.1 to hear the two appeals afresh and consider the documents that had been filed by the petitioner before W.P.(C) 9004/2018 the respondent no.1 i.e. Building Plan and Building Completion Certificate for consideration of the prayer made by the petitioner for the running of the B.Ed. and D.El.Ed. courses for the next academic session i.e. 2020-2021."

AND WHEREAS in compliance with the directions of the Hon'ble High Court, the Committee took up the matter for reconsideration. Ms. Divya Prakash, Office Staff and Sh. Anil Kumar Singh, Secretary, Nagina Devi Teachers Training College, Bal Vidya Niketan, Patel Nagar, Jehanabad, Bihar dated presented the case of the appellant institution on 28/08/2019. The appellant, in the course of presentation, submitted (i) the original Affidavit dt. 05/04/2018; (ii) a copy of the building plan, countersigned by the Assistant Engineer, Rural works Department, Work Sub Division, Makhdumpur showing a total built up area of 4020 sq. mts; (iii) a copy of the building completion certificate countersigned by the C.O., Central Office, Jehanabad showing a built up area of 43, 268 Sq. ft.; and (iv) a copy of the non-encumbrance certificate.

AND WHEREAS the Committee, noting that the appellant has furnished the documents found wanting in the refusal order, concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents submitted in appeal to be sent to them by the appellant, and take further action as per the NCTE Regulation, 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, the Committee concluded to remand back the case to the ERC with a 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 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 Nagina Devi Teachers Training College, Bal Vidya Niketan, Patel Nagar, Jehanabad, Bihar to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Nagina Devi Teachers Training College, Bal Vidya Niketan, Patel Nagar, Jehanabad – 804408, Bihar.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.**



F.No. 89-34/E-60424/2018 Appeal/28th Mtg.-2019/28th August, 2019

NATIONAL COUNCIL FOR TEACHER EDUCATION

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

Date: 28/09/2019

ORDER

WHEREAS the appeal of Nagina Devi Teachers Training College, Bal Vidya Niketan, Patel Nagar, Jehanabad, Bihar dated 19/01/2018 is against the Order No. ERC/244.12(i).23/11299/B.Ed./ERCAPP201646267/2017/54999 dated 13.11.2017 of the Eastern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "(a) Two Show Cause Notices were issued on 15.02.2017 & 05.04.2017 on the following grounds: Affidavit on Rs. 100/- non-judicial stamp paper in original is not submitted and not in the prescribed format. As per building plan, the total built-up area mentioned as 3769.2 sq. mts. which is less than the required 4000 sq. mts. stipulated for D.El.Ed. (two units) + proposed B.Ed. (two units) as per Regulations, 2014. Building plan is not approved by Govt. Engineer. Building Completion Certificate issued from Govt. Engineer / Authority is not submitted. Non-encumbrance certificate issued from Land Registering Authority is not submitted. (b) No reply received from institution till date. In view of the above, the Committee decided as under:- The Committee is of the opinion that application bearing Code No. ERCAPP201646269 of the institution regarding recognition of applied D.El.Ed. Programme is refused under section 14(3)(b) of NCTE Act, 1993." This appeal was rejected, and the order of the ERC was confirmed by the Appellate Authority in their order dt. 16/05/2018 on the ground that the forum of appeal is not an extension of the Regional Committee to submit documents at a belated stage without any valid reason.

AND WHEREAS the appellant, aggrieved by the Appellate order dt. 16/05/2018, filed a W.P. (C) 9004/2018 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court passed their order on 22/07/2019, the operative part of which is as follows:-

"Taking into account the factum that vide the impugned orders dated 16.05.2018 bearing No.F.No.89-34/E-60424/2018 Appeal/5th Mtg.-2018/5th & 6 April, 2018 and dated 16.05.2018 bearing no. F.No.89-33/E-60421/2018 Appeal/5th Mtg.-2018/5th & 6th April, 2018, it is brought forth that the building plan and Building Completion Certificate had apparently been placed before the Appellate Committee i.e. the NCTE, the appeal being an extension of the proceedings that had been pending before the ERC, the respondent no.2, it is considered appropriate to set aside the impugned orders dated 16.05.2018 as issued by the respondent no.1 which are so set aside with the matter being remanded back to the respondent no.1 to hear the two appeals afresh and consider the documents that had been filed by the petitioner before W.P.(C) 9004/2018 the respondent no.1 i.e. Building Plan and Building Completion Certificate for consideration of the prayer made by the petitioner for the running of the B.Ed. and D.El.Ed. courses for the next academic session i.e. 2020-2021."

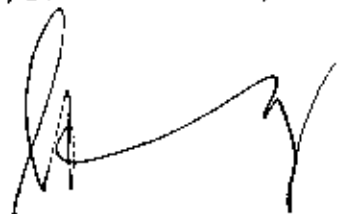
AND WHEREAS in compliance with the directions of the Hon'ble High Court, the Committee took up the matter for reconsideration. Ms. Divya Prakash, Office Staff and Sh. Anil Kumar Singh, Secretary, Nagina Devi Teachers Training College, Bal Vidya Niketan, Patel Nagar, Jehanabad, Bihar dated presented the case of the appellant institution on 28/08/2019. The appellant, in the course of presentation, submitted (i) the original Affidavit dt. 05/04/2018; (ii) a copy of the building plan, countersigned by the Assistant Engineer, Rural works Department, Work Sub Division, Makhdumpur showing a total built up area of 4020 sq. mts; (iii) a copy of the building completion certificate countersigned by the C.O., Central Office, Jehanabad showing a built up area of 43, 268 Sq. ft.; and (iv) a copy of the non-encumbrance certificate.

AND WHEREAS the Committee, noting that the appellant has furnished the documents found wanting in the refusal order, concluded that the matter deserved to be remanded to the ERC with a direction to consider the documents submitted in appeal to be sent to them by the appellant, and take further action as per the NCTE Regulation, 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, the Committee concluded to remand back the

case to the ERC with a 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 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 Nagina Devi Teachers Training College, Bal Vidya Niketan, Patel Nagar, Jehanabad, Bihar to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Nagina Devi Teachers Training College, Bal Vidya Niketan, Patel Nagar, Jehanabad – 804408, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



F.No.89-224/E-120858/2019 Appeal/28th 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 Word Shikshak Prashikshan Mahavidhyalaya, Mahabar Road, Barmer, Rajasthan dated 21/04/2019 is against the Order No. NCTE/NRC/NRCAPP201616052/Bachelor of Education[B.Ed.]/RJ/2017-18/2; dated 19.04.2017 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "the applicant institution has not submitted the reply of the SCN issued by the NRC on 11.02.2017 within the stipulated time. Hence, the Committee decided that the application is rejected and recognition/permission is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS Word Shikshak Prashikshan Mahavidhyalaya, Mahabar Road, Barmer, Rajasthan was asked to present the case of the appellant institution on 09/07/2019 but nobody from the appellant institution appeared before Appeal Committee. Appeal Committee, therefore, decided to grant another (second) opportunity to the appellant institution to present its case before Appeal Committee.

AND WHEREAS the appellant filed a S.B. Civil Writ Petition No. 5505/2019 before the Hon'ble High Court of Judicature for Rajasthan at Jodhpur. The Hon'ble High Court, in their order dt. 16/04/2019, dismissing the petition, observed that it will be open for the petitioner to prefer an appeal against the order impugned and if any appeal is filed by the petitioner within two weeks, the same shall be considered by the appellate authority on merits.

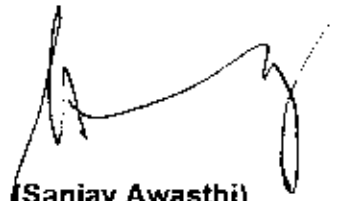
AND WHEREAS Sh. Jagdish Bishnoi, Secretary and Sh. Gopal Singh, Principal, Word Shikshak Prashikshan Mahavidhyalaya, Mahabar Road, Barmer, Rajasthan presented the case of the appellant institution on 28/08/2019 i.e. the second opportunity granted to them. In the appeal, the appellant merely stated that 'Sansthan has now all essential documents.' The appellant, with their letter dt. Nil, given in the course of presentation, enclosed (i) a copy of the No Objection Certificate dt. 12/04/2016 issued by the Commissioner for College Education, Rajasthan, Jaipur for conducting B.A. course during the years 2016-17, 2017-18 and 2018-19 by Word College; (ii) a copy of the letter dt. 16/09/2016 issued by Jai Narain Vyas University granting affiliation for conducting B.A. course by Word College; (iii) a copy of Non-Encumbrance Certificate dt. 20/06/2019 issued by Tahsildar, Barmer; (iv) a copy of Land conversion certificate dt. 15/03/2018 issued by Sub-Divisional Officer, Ramsar and (v) a copy of Building plan signed by a Government Engineer, Barmer.

AND WHEREAS the Committee noted that the documents submitted by the appellant on 28/08/2019 are those found wanting in the show cause notice dt. 11/02/2017 issued by the NRC to which a reply was to be submitted within 21 days from the date of issue of the said Notice. NRC refused recognition on the ground that the appellant has not submitted a reply to the show cause notice. The appellant has not contested this ground in the appeal.

AND WHEREAS the Committee, noting that the appellant has not replied to the Show Cause Notice and has not contested this ground mentioned in the appeal, 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 order of the NRC is confirmed.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary/Appellant, Word Shikshak Prashikshan Mahavidhyalaya, Barmer, Mahabar Road, Barmer – 344001, Rajasthan.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.**



F.No.89-83/E-109387/2019 Appeal/28th 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 Sri Ramchand Ram Laxmi Narayan Teachers Training College, PO-Kalanaur, Kurtha Tehta, Bihar dated 14/09/2018 the hard copy of which was forwarded on 06/03/2019, is against the Order No. ERC/250.7.6/APP3882/B.Ed./2018/56210 dated 27.02.2018 of the Eastern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "two show cause notices were issued on 03/06/2016 and 04/04/2017 on the following grounds: (i) as per VT report, building is under construction and not yet completed; (ii) Rooms are not well organized as per NCTE norms; (iii) As seen in the CD, there is a one storied small building in old pattern which does not match with three stories building plan which indicated built up area 4590.69 sq. mts. (iv) The CD does not reflect the continuously instructional and infrastructural facilities of the institution for with the total picture of the institution is not visible. In response, the institution submitted reply vide letter dated 12.01.2018 stating therein that the building was under minor repairing at the time of inspection. Hence the grounds mentioned in the SCN have not been compiled by the institution. In view of the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. ERCAPP3882 of the institution regarding permission of applied additional intake of B.Ed. Programme is refused under section 15(3)(b) of NCTE Act 1993."

AND WHEREAS Sri Ramchand Ram Laxmi Narayan Teachers Training College, PO-Kalanaur, Kurtha Tehta, Bihar was asked to present the case of the appellant institution on 29/04/2019 and 09/07/2019 and 26/08/2019, but nobody from the

institution appeared. The Committee decided to consider the appeal on merits of the case and submissions made by appellant in the appeal memoranda.

AND WHEREAS Appeal Committee noted that appellant institution had submitted its online application dated 29/06/2015 seeking recognition for conducting B.Ed. course. Inspection of the proposed premises of the institution was conducted on 15/03/2016. The Visiting Team in its Inspection report stated that (i) building is under construction and not yet completed, (ii) rooms are not well organised as per NCTE norms, Appeal Committee further noted that a Show Cause Notice (SCN) dated 04/04/2017 was issued to appellant institution pointing out the deficiencies reported by Visiting Team and further observed by the Regional Committee on viewing the C.D. recorded during inspection. Appellant institution submitted reply dated 12/01/2018 to the S.C.N. which was considered by ERC and not found to be satisfactory.

AND WHEREAS Appeal Committee noted that as per Clause 8 (7) of NCTE Regulations, 2014 *"At the time of inspection, the building of the institution shall be complete equipped with all necessary amenities and fulfilling all such requirements as prescribed in the Norms and Standards.*

AND WHEREAS Appeal Committee noted that appellant not only failed to submit a timely appeal, it also failed to submit any specific reason negating the grounds on which impugned refusal order dated 14/09/2018 was issued. Appellant also failed to appear before Appellate Authority on three occasions provided to the institution. Appeal Committee considering the circumstances of the case decided to confirm the impugned refusal order dated 14/09/2018.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record, Appeal Committee concluded to confirm the impugned refusal order dated 14/09/2018.

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



(Sanjay Awasthi)
Member Secretary

- 1. The Secretary, Sri Ramchand Ram Laxmi Narayan Teachers Training College, PO-Kalanaur, Kurtha Tehta – 804427, Bihar.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.**



F.No.89-87/E-109810/2019 Appeal/28th 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 Dr. B.R. Ambedkar College (B.Ed. Section), Vill.+PO-Malighati, PS-Debra, Malighat, West Bengal dated 05/03/2019 is against the Order No. ERC/266.12.10/APE00317/B.Ed./2019/59485 dated 22.02.2019 of the Eastern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "show cause notices u/s 14(3)(b) were issued on 23.08.2018 and 19.09.2018 for submission of fire safety certificate issued from the competent Govt. Authority. The institution vide letter dated 09.10.2018 expressed inability to submit the fire safety certificate. The institution is still deficient on the above ground. In view the above, the Committee decided as under: The Committee is of the opinion that application bearing Code No. APE00317 of the institution regarding recognition to B.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Nanda Dulal Bhattacharya, President and Pinaki Barmon, Member, Dr. B.R. Ambedkar College (B.Ed. Section), Vill.+PD-Malighati, PS-Debra, Malighat, West Bengal presented the case of the appellant institution on 29/04/2019. In the appeal and during personal presentation it was submitted that the College obtained and submitted Fire Safety recommendation letter by the competent Govt. authority but deficient in submitting Fire Safety Certificate within stipulated period of ERC, NCTE dated 5th July, 2018 as the State Govt. has taken time.

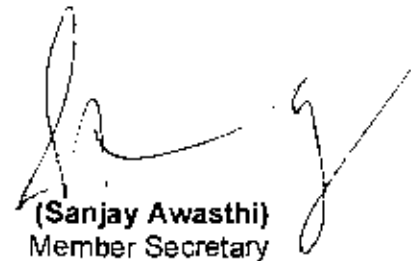
AND WHEREAS the appellant, in the course of hearing, in a letter dt. 29/04/2019, stated that the State Government is yet to issue the Fire Safety Certificate and they are vigorously following up the case with the State Government, requested for some time. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS appellant, Sh. Pinaki Barmon, Teacher Incharge, appeared on 09/07/2019 on behalf of appellant institution and submitted a letter dated 06/07/2019 seeking another opportunity as correspondent of the college was reported ill and hospitalised. Appeal Committee decided to grant another (Third) opportunity to appellant to present its case.

AND WHEREAS Sh. Nanda Dulal Bhattacharya, President and Pinaki Barmon, Member, appeared before Appeal Committee on 28/08/2019 but could not submit any valid evidence of having obtained a Fire Safety Certificate from the Competent Government Authority. Appeal Committee, therefore, decided to confirm the impugned refusal order dated 22/03/2019 issued by ERC.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned refusal order dated 22/03/2019 issued by ERC.

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


(Sanjay Awasthi)
Member Secretary

1. The President, Dr. B.R. Ambedkar College (B.Ed. Section), Vill.+PO-Maighati, PS-Debra, Malighat – 721211, 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, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



F.No.89-89/E-109724/2019 Appeal/28th 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 Princess T.T. College, Opp. Radha Swami Bagh, Chomu Post – Jaitpura, Chomu, Rajasthan dated 06/03/2019 is against the Letter No. New Appl./RF/Raj./NRCAPP-7816/2013-14/4B872-73 dated 13.06.2013 of the Northern Regional Committee, returning their application for grant of recognition for conducting D.El.Ed. Course on the grounds that "the NRC considered the letter No. 49-7/2012/NCTE/N&S dated 20.03.2013 containing instructions in respect of consideration/processing of applications for recognition of Teacher Education programmes viz a viz recommendations of the State Govt. of Rajasthan as well as the Demand and Supply study of Teachers conducted by the NCTE and also the following judgements of the Hon'ble Supreme Court:- The Hon'ble Supreme Court vide its judgment dated 31.01.2011 I SLP No. 17165-168/2009, has held that the provisions contained in Section 14 of the NCTE Act 1993 and the Regulations framed for grant of recognition including the requirement of recommendation of the State Government/Union Territory Administration are mandatory and an institution is not entitled to recognition unless it fulfils the conditions specified in various clauses of the Regulations. Further, the Hon'ble Supreme Court in its judgment dated 06.01.2012 in SLP (C) No. 14020/2009, has held that the State Government/UT Administration, to whom a copy of the application made by an institution for grant of recognition is sent in terms of Regulation 7(2) of the Regulations of the NCTE, is under an obligation to make its recommendation within the time specified in the Regulation 7(3) of the Regulations. The NRC noted that the NCTE Committee vide letter dated 20.03.2013 made it clear that the general recommendations of the State Government were applicable in each individual case, since in view of the Hon'ble Supreme Court's orders, it is mandatory to obtain the recommendation of the State Government. In view of the above judgment of the Hon'ble Supreme Court and the decision taken by the

NCTE Committee, the NRC decided that the recommendations of the State Govt. of Rajasthan i.e. not to allow setting up of new D.El.Ed. institutions in the State be accepted and the applications so received be returned to the respective institutions. Also, the application fees be refunded to the applicants."

AND WHEREAS the appellant, aggrieved by the letter of the N.R.C. filed a S.B. Civil Writs No. 4184/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court in their order dt. 26/02/2019, closed writ proceedings with liberty reserved to the petitioner to avail of remedy by preferring appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner; the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Princess T.T. College, Opp. Radha Swami Bagh, Chomu Post – Jaitpura, Chomu, Rajasthan was asked to present the case of the appellant institution on 29/04/2019 and 09/07/2019. The appellant, in their letter dt. 27/04/2019, stated that their representative could not be present due to illness and requested another date. The Committee decided to give the appellant another opportunity. The appellant did not appear before Appeal Committee on the second opportunity given to him to present its case on 09/07/2019. Appeal Committee, as per extant appeal rules, decided to give third and final opportunity to the appellant to present its case.

AND WHEREAS Sh. Chunnilal Saini, Principal, Princess T.T. College, Opp Radha Swami Bagh, Chomu Post – Jaitpura, Chomu, Rajasthan appeared before Appeal Committee on 28/08/2019 and submitted that the application made in 2012 was for seeking additional intake of 50 seats in the existing D.El.Ed. course which is being run in the institution.

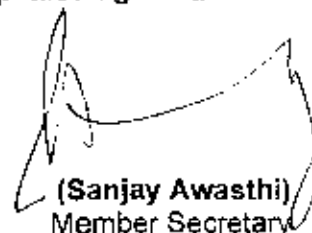
AND WHEREAS the relevant regulatory file of the N.R.C. is not available. It has been brought to the notice of the Committee in the meeting held on 18/12/2018 that the

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

AND WHEREAS the Committee noted that the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India, in so far as consideration of the negative recommendations of the State Governments/UTs with regard to granting of recognition for new teacher training institutes, which took into account the mandate of the NCTE to achieve planned and coordinated development of teacher education system throughout the country, are applicable to all States/UTs. In view of this position, the Committee concluded that the N.R.C. was justified in returning the application and therefore, the appeal deserved to be rejected and the decision of the N.R.C. confirmed. The appellant institution is free to submit a fresh application as and when NCTE issues notification inviting application for the desired courses.

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

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Princess T.T. College, Opp. Radha Swami Bagh, Chomu Post – Jaitpura, Chomu – 303704, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur



F.No.89-92/E-109982/2019 Appeal/28th 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 Veerayatan B.Ed. College, Pawapuri – Ghosrawan, Giriyak, Bihar dated 09/03/2019 is against the Order No. ERC/266.6.8/9631/D.El.Ed./ERCAPP201645169/2019/59472 dated 22.02.2019 of the Eastern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "LOI u/c 7(13) issued on 19.04.2018. Show Cause Notices issued on 23.08.2018, 09.10.2018 & 26.11.2018 for compliance of LOI. Letter dated 05.01.2019 received from the institution seeking extension of some more time. The Committee has not accepted the request of the institution. In view of the above the Committee is of the opinion that application bearing application No. ERCAPP201645169 of the institution regarding permission of D.El.Ed. Programme is refused under section 15' (3)(b) of NCTE Act 1993."

AND WHEREAS Dr. Anant Jha, Professor and Anjani Kumar, Secretary, Veerayatan B.Ed. College, Pawapuri – Ghosrawan, Giriyak, Bihar presented the case of the appellant institution on 29/04/2019. In the appeal and during personal presentation it was submitted that on 18-17th April, 2018, the ERC in its 254th meeting issued the Letter of Intent under clause 7 (13) of NCTE Regulation 2014 to the institution. On 19th April, 2018, a letter vide letter no. 556/18 has been submitted to affiliating body i.e. Bihar School Examination Board, Patna for nomination of Board Representative for the selection of HOD & lecturers for upcoming D.El.Ed. Course. On 27th August, 2018 a reminder letter vide letter no. 592 has been sent to the B.S.E.B., Patna for nomination of Board Representative for selection of HOD & Lecturers. On 03rd September 2018, the Institution has received SCN vide letter no. ERC/259.12(i).2/9631/ERCAPP201645169/D.El.Ed./2018/57763 dated 23rd August 2018 at 05.30 P.M. in their office regarding reply of LOI. On 06th September 2018, a

reply of SCN dated 23.08.2018 was sent to ERC by the institution through speed post no. EF3405269631N vide letter no. 599 dated 05.09.2018 requesting to give them some more time because BSEB, Patna had not finalized the name of Board Representative for the selection of HOD & Lecturers. On 22nd September 2018, the institution has received a letter from Bihar School Examination Board, Patna vide letter no. T.T.P:830/2018 dated 10th September 2018. On 26th September 2018, the institution had given advertisement in "Times of India" newspaper for vacancies of HOD & Lecturers for D.El.Ed. Course. On 15th October 2018, the Institution has received a SCN vide letter no. ERC/261.6.5/9631/ERCAPP201645169/D.El.Ed./2018/58072 dated 09.10.2018 at 5.50 PM in their office containing acceptance of their previous reply of SCN vide letter no. 599 dated 05th September 2018 and requesting submission of reply of LOI. On 17th October 2018, a reply of SCN dated 09.10.2018 was sent by the institution vide Ref. No. - 608 requesting to give them some more time, due to festival holidays the board representative had not given the date of interview. Finally, on 03 November 2018, an interview was conducted for selection of HOD & lecturers for D.El.Ed. course in presence of board representative. On 05th December 2018, the Institution has received SCN vide letter no. ERC/263.6.8/9631/ERCAPP201645169/D.El.Ed./2018/58433 dated 26.11.2018 at 9.00 A.M. in their office containing acceptance of their previous reply of SCN vide letter no. 606 dated 17th October 2018 and requesting submission of reply of LOI. On 05th January 2019, a reply of SCN dated 26.11.2018 was sent by institution vide Ref. No. 620 requesting to give them some more time because selected candidates could not submit the required documents due to holidays. On 22nd January * 2019, list of selected HOD & Lectures in ERC-format was submitted to BSEB, Patna for countersignature by Secretary /Authorized Person vide letter no. 623. In the meantime they had personally visited the office of BSEB, Patna and requested to get list of Lecturers Countersigned. Since B.S.E.B, Patna was busy in preparation of Xth & XIth Board Exams, they have told them that all work related to D.El.Ed. will be delayed. On 31st January 2019, the ERC in its 266th meeting held on 31st January 2019 has not accepted the request of the institution for extension of some more time and refused the Application no. ERCAPP201645169 under section 15 (3)(b) of NCTE

Act 1993. On 21st February 2019, they sent a reminder letter to BSEB, Patna vide letter no. 633 requesting to countersign on list of selected lecturers & HOD for the D.El.Ed. course. Due to poor working system of affiliating body they did not get the countersigned list of HOD & Lecturers. Whenever they get the countersigned list of HOD & Lecturers, they will submit the reply of LOI to ERC immediately. So, they request the Appellate Authority to consider their appeal and continue the Appl. No. ERCAPP201645169 for D.El.Ed. Course.

AND WHEREAS the appellant, in its letter dt. 29/04/2019, stated that the Bihar School Examination Board, Patna have verbally assured to provide the Countersigned faculty list by 15/05/2019. Appellant requested for another opportunity to present the countersigned faculty list as early as possible. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS appellant institution was asked to present its case before Appeal Committee on 09/07/2019. Appellant informed NCTE by its letter dated 08/07/2019 that due to unavailability of its representative a fresh date of hearing may be given. Appeal Committee in view of the extant appeal rules decided to grant third and final opportunity to the appellant to present its case before Appellate Authorities.


AND WHEREAS appeal Committee noted that impugned refusal order dated 22/02/2019 was issued after giving the appellant institution repeated chances to submit compliance in response to the L.O.I. dated 19/04/2018. The final request made by the appellant seeking some more time was made on 05/01/2019 was not agreed to by the ERC.

AND WHEREAS Appeal Committee noted that ever since the issue of L.O.I., the appellant institution made consistent efforts to get experts nominated by the affiliating body for finalising selection of faculty. The appellant has finally been able to get the faculty approved by Bihar Vidyalaya Priksha Samiti on 24/08/2019. Appeal

Committee, therefore, decided that appellant is required to submit a consolidated compliance report of L.O.I. to ERC within 15 days of the issue of appeal order. Appeal Committee further decided to remand back the case to ERC for revisiting the matter after appellant institution submits the required compliance of L.O.I. within 15 days of the issue of Appeal order.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced, Appeal Committee concluded to remand back the case to ERC for revisiting the matter after appellant institution submits the required compliance of L.O.I. within 15 days of the issue of Appeal order.

NOW THEREFORE, the Council hereby remands back the case of Veerayatan B.Ed. College, Pawapuri – Ghosrawan, Giriyak, Bihar to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Veerayatan B.Ed. College, Pawapuri – Ghosrawan, Giriyak – 803115, Bihar.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar, Patna.



F.No.89-94/E-110446/2019 Appeal/28th 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 Pt. Ashok Kumar Mishra Smarak Mahavidyalaya, Ashok Nagar, Khutehna, Gonda Road, Payagpur, Uttar Pradesh dated 02/03/2019 is against the Order No. NRC/NCTE/NRCAPP2655/293rd Meeting/2018/199141 dated 02.01.2019 of the Northern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "the institution was issued L.O.I. dated 12/06/2018 and S.C.N. was issued on 12/09/2018 for non-submission of compliance of L.O.I. and the institution has not yet submitted the compliance of L.O.I.

AND WHEREAS Sh. Prakash Chandra Srivastava, Lecturer, Pt. Ashok Kumar Mishra Smarak Mahavidyalaya, Ashok Nagar, Khutehna, Gonda Road, Payagpur, Uttar Pradesh presented the case of the appellant institution on 29/04/2019. In the appeal and during personal presentation it was submitted that "After selection of faculty members the file was sent to Pariksha Niyamak Pradhikari Prayagraj, U.P. for approval but Pariksha Niyamak Pradhikari Prayagraj, U.P. did not accept. Due to non-approval of the faculty by the Examination Regulatory Authority Allenganj, Allahabad Prayagraj U.P. Institution could not give reply of LOI dated 12.06.2018. The appellant, with their appeal, enclosed a copy of the order dt. 21/02/2019 of the Hon'ble High Court in Writ (C) No. 5989 of 2019 in which directions were given to Respondent no. 3 to take a decision in the context of the prayer made by the petitioner institution vide their letter dt. 10/08/2018 within a period of three weeks from the date of receipt of a certified copy of this order along with a photocopy of covering letter dt. 10/08/2018. The appellant is reported to have submitted the proceedings relating to selection as well as a list of faculty members for approval by respondent no. 3 with

their letter dt. 10/08/2018. In the light of the directions of the Hon'ble High Court, the appellant requested for another opportunity. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

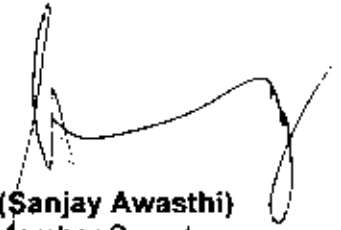
AND WHEREAS appellant institution was given a second opportunity to present its case before Appellate Authority on 09/07/2019. The appellant vide its letter dated 09/07/2019 requested for grant of another opportunity. As per extant appeal rules an appellant can be given upto three opportunities to present its case before Appeal Committee. Appeal Committee decided to grant another (Third) opportunity to the appellant which will be final in the case.

AND WHEREAS appellant institution was issued notice for appearing before Appellate Authority on 28/08/2019. Sh. P.C. Srivastava, Lecturer appeared on behalf of appellant institution and submitted another request seeking grant of additional time on the ground that appellant institution has impleaded the affiliating body for grant of approval of faculty and NCTE has also been made a party in the case.

AND WHEREAS Appeal Committee noted that there are no directions from Hon'ble High Court in Misl. Petition no. 18679 of 2019 for NCTE and the appellant has not submitted the developments of case which was listed for hearing on 29/07/2019. Appeal Committee considering that (i) appeal filed by petitioner cannot be kept pending indefinitely, (ii) appellant has already been granted adjournments twice and (iii) appellant institution has not been able to submit compliance in response to the Letter of Intent (L.O.I.) dated 12/06/2018 decided to confirm the impugned refusal order dated 02/01/2019.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded to confirm the refusal order dated 02/01/2019 issued by N.R.C.

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



(Sanjay Awasthi)
Member Secretary

1. The Manager, PL Ashok Kumar Mishra Smarak Mahavidyalaya, Ashok Nagar, Khutehna, Gonda Road, Payagpur – 271878, U.P..
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 Uttar Pradesh, Lucknow.



F.No.89-96/E-110821/2019 Appeal/28th 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 B.R. Teacher Training College, Shri Madhopur, Reengus, Rajasthan dated 11/03/2019 is against the Order No. NRC/NCTE/NRCAPP-10851/254th Meeting/2018/155365 dated 19.08.2016 of the Northern Regional Committee, refusing recognition for conducting for B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "the applicant institution does not fulfil the requirement that it is already offering under graduate or post graduate programme of studies in the field of Liberal Arts or Humanities or Social Science or Science or Mathematics for getting grant of recognition for 4 year integrated programme leading to B.Sc. B.Ed./B.A. B.Ed. Degree as has been mentioned in Clause 2(b) of NCTE Regulations, 2014 and Clause 1.1 of the Appendix 13 (Norms & Standards for B.A. B.Ed./B.Sc. B.Ed. Degree.)"

AND WHEREAS the appellant, aggrieved by the order of the N.R.C., filed a S.B. Civil Writs No. 3216/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 15/02/2019, closed writ proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner, the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS Sh. Jagan Singh, Secretary, B.R. Teacher Training College, Shri Madhopur, Reengus, Rajasthan was asked to present the case of the appellant institution on 29/04/2019. The appellant, in its letter dated 27/04/2019, stating that the Secretary of the Sansthan is unable to attend the hearing on 29/04/2019 due to viral fever, requested another opportunity to be present. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

AND WHEREAS appellant institution, by issue of a notice dated 14/06/2019, was asked to appear before Appellate Authority on 09/07/2019 for making a personal presentation of its case. Appellant by its letter dated 09/07/2019 requested for another opportunity. Appeal Committee as per extant appeal rules, decided to grant third and final opportunity to the appellant to present its case before Appellate Authority.

AND WHEREAS Sh. Jagan Singh, Secretary appeared before Appellate Authority on 28/08/2019 to present the case of appellant institution. Appellant verbally apprised the Appeal Committee that the institution has started a degree course i.e. B.A. and B.Sc. since academic year 2016-17. Appeal Committee noted that neither the appellant institution had furnished this information to NRC before issue of impugned refusal order nor did the Visiting Team which conducted inspection of the institution on 05/05/2016 mention or gave any indication that appellant institution is conducting any other course such as B.A./B.Ed. etc. Appellant had failed to furnish information about already submitted applications at page 5 of its online application.

AND WHEREAS Appeal Committee further noted that impugned refusal order was issued by NRC on 19/08/2016 and it was clearly stated therein that if the institution is not satisfied with the order it may prefer appeal under Section 18 of the Act within 60 days of the issue of order. The present appeal preferred by appellant is delayed by more than 2 years and 4 month without any valid reason for the delay. The S/B Civil Writ Petition No. 3216/2019 was also filed by appellant after more than two years of the impugned order having been issued. Appeal Committee, noted that time limit prescribed under the NCTE Act and Rules for filing appeal, is 60 days and any delay in filing appeal after the expiry of prescribed period is condonable if the appellant satisfies the Council that he had sufficient cause for not preferring appeal within the prescribed period.

Appeal Committee decided not to accept the appeal on grounds of delay.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to admit the appeal.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, B.R. Teacher Training College, Shri Madhopur, Reengus – 332404, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-97/E-110823/2019 Appeal/28th 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 B.R. College, Khandela, Rajasthan dated 11/03/2019 is against the Order No. NCTE/NRC/NRCAPP201616610/Bachelor of Education [B.Ed.]/RJ/2017-18/2; dated 28.03.2017 of the Northern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "the institution was given SCN. The institution did not submit following documents:- The institution has not submitted any proof / evidence to prove that it is a composite institution as per clause 2(b) of NCTE Regulations, 2014.? The institution has not submitted NOC. The institution has not submitted the certified registered land documents issued by the Registering Authority or civil authority concerned. The institution has not submitted the approved Building plan signed by the Competent Govt. Authority indicating 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 Multi-purpose Hall as well as the other infrastructural facilities such as class rooms etc. The institution has not submitted the Land Use Certificate issued by the Competent Authority to use the land for educational purpose. The institution has not submitted the Non-Encumbrance Certificate issued by the Competent Authority indicating that the land is free from all encumbrances. 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 the appellant, aggrieved by the order of the N.R.C., filed a S.B. Civil Writs No. 3137/2019 before the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur. The Hon'ble High Court, in their order dt. 08/02/2019, closed writ proceedings with liberty reserved to the petitioner to avail remedy of appeal. The Hon'ble High Court also observed that in case an appeal is instituted by the petitioner;

the Appellate Authority would deal with the same as expeditiously as possible, in accordance with law.

AND WHEREAS B.R. College, Khandela, Rajasthan was asked to present the case of the appellant institution on 29/04/2019. The appellant, in their letter dt. 27/04/2019, stating that the Secretary of the Sansthan is unable to attend the hearing on 29/04/2019 due to viral fever, requested another opportunity to be present. The Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

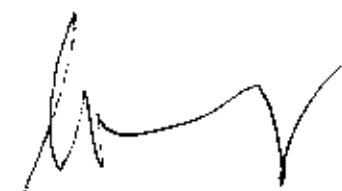
AND WHEREAS appellant institution by issue of a notice dated 14/06/2019, was asked to present its case before Appellate Authority on 09/07/2019. Appellant by its letter dated 09/07/2019 expressed its inability to attend appeal hearing on 09/07/2019 and requested for another opportunity. Appeal Committee, as per extant appeal rules, decided to grant third and final opportunity to the appellant to present its case before Appellate Authority.

AND WHEREAS Sh. Jagan Singh, Secretary, appeared before Appellate Authority on 28/08/2019 to present the case of appellant institution. On being asked appellant could not state any reason for the delay of 22 months in filing of the appeal except that on directions of the Hon'ble Court in S.B. Civil Writ No. 3137 of 2019, the appeal has been filed which is to be decided as per law. Appeal Committee noted that as per NCTE Rules, appellant if aggrieved by an order issued under Section 14 or Section 15 or Section 17 is allowed to prefer appeal within 60 days and the delay in filing appeal is condonable on reasonable grounds to be given by appellant and considered justifiable by the Appellate Authority. In the instant case appellant institution has not given any reason for the delay of 22 months in preferring appeal except that a S.B. Civil Writ Petition no. 3137/2019 was filed by it and Court by its order dated 08/02/2019 has directed the appellate authority to deal with the appeal as per law. Appeal Committee on perusal of the regulatory file observed that appellant institute despite having been issued a Show Cause Notice could not submit (i) certified

copy of land documents issued by land registering authority, (ii) N.O.C. issued by affiliating body, (ii) building plan approved by Competent authority. The above documents are required to be submitted by applicant along with hard copy of online application. Non submission of land documents and N.O.C. issued by affiliating body may result in summary rejection of the application.

AND WHEREAS Appeal Committee noted that appeal filed by appellant is not only time barred, it lacks on merits also. Appeal Committee decided not to accept the appeal on grounds of delay of more than 22 months. Appeal is accordingly not accepted as per NCTE Rules.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded not to admit the appeal.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, B.R. College, Khandela – 322709, Rajasthan.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



F.No.89-139/E-113949/2019 Appeal/28th Mtg.-2019/28th August, 2019
NATIONAL COUNCIL FOR TEACHER EDUCATION
 Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 28/09/2019

ORDER

WHEREAS the appeal of Department of Physical Education, Awadhesh Pratap Singh University, Rewa, (M.P.), Huzur, Madhya Pradesh dated 25/03/2019 is against the Order No. WRC/214011/B.P.Ed./301st (M.P.)/2019/201130-201136 dated 23.01.2019 of the Western Regional Committee, withdrawing recognition for conducting for B.P.Ed. Course on the grounds that "and Whereas, reply not submitted by the institution and the matter was placed in 301st WRC meeting held on January 17-18, 2019 and the Committee observed that "...Show Cause Notice was issued to the institution on 01.02.2017 followed by a Compliance letter dated 30.08.2018 to which reply has not been received till date. Hence, Recognition is withdrawn from the academic session 2019-20. FDRs, if any, be returned."

AND WHEREAS Dr. Ram Ji Mishra, Senior Faculty Member and Dr. Sanjeev Kumar Mishra, Senior Faculty Member, Department of Physical Education, Awadhesh Pratap Singh University, Rewa, (M.P.), Huzur, Madhya Pradesh presented the case of the appellant institution on 15/05/2019. During the course of appeal hearing, appellant submitted a written request seeking another opportunity. Appeal Committee decided to grant another (second) opportunity as per extant appeal rules.

AND WHEREAS Appeal Committee noted that a notice dated 14/06/2019 was issued asking the appellant to present its case before Appellate Authority on 09/07/2019. Appeal Committee further noted that neither the appellant appeared for making personal presentation nor did send any communication in this regard. Appeal Committee, as per extant appeal rules, decided to grant third and final opportunity to the appellant to present its case before Appellate Authority.

AND WHEREAS Sh. Sanjeev Kumar Mishra, Assistant Professor, Department of Physical Education, Awadhesh Pratap Singh University, Rewa, (M.P.), Huzur, Madhya Pradesh appeared before Appeal Committee on 28/08/2019 and submitted a letter dated 27/08/2019 addressed to Member Secretary, NCTE by the Vice Chancellor of the appellant university. The appellant in its letter has mentioned that the process of selection and appointment of faculty under Regulation 28 of the university has been initiated and selection process will be completed soon. Appellant further requested that recognition withdrawal should be restored.

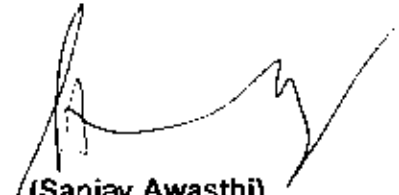
AND WHEREAS Appeal Committee noted that Norms and Standards for B.P.Ed. programme (Appendix 7) of NCTE Regulations provide for a basic intake of 100 students with 2 Sections of 50 each. The academic faculty required for conducting B.P.Ed. course is:-

Principal	One	
Associate Professor	Two	
Assistant Professor	Six	
Assistant Professor	Three (Part time) if needed	
Sports Trainer	Three	} Part time
Yoga Trainer	One	
Dietician	One	

AND WHEREAS Appeal Committee noted that impugned order withdrawing recognition from academic session 2019-20 was issued on the ground that appellant institution had submitted a list of five faculty who are on contract basis. Appellant university even on the date of appeal i.e. 28/08/2019 had not been able to appoint required number of faculty on regular basis. NCTE Regulations for the B.P.Ed. programme do not allow conducting of course with the assistance of Visiting faculty or faculty engaged on contract basis. Appeal Committee considering that deficiencies resulting in withdrawal of recognition still persist, decided to confirm the impugned order of withdrawal dated 23/01/2019.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to confirm the impugned order of withdrawal dated 23/01/2019.

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



(Sanjay Awasthi)
Member Secretary

1. The Secretary/Appellant, Department of Physical Education, Awadhesh Pratap Singh University, Rewa, (M.P.), Huzur, Madhya Pradesh- 486003.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



F.No.89-743/E-34136/2017 Appeal/28th 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 Raja Ram Mohan Roy Teacher Training Institute, Nadia, West Bengal dated 04/09/2016 is against the Order No. ERC/214.9.15/ERCAPP3767/D.El.Ed./2016/47908 dated 09/07/2016 of the Eastern Regional Committee, refusing recognition for conducting D.El.Ed. course on the grounds that "a. Show cause notice was issued on 22/10/2015 for non-submission of NOC. b. No reply received from the institution till date and time limit is over. In view the above, the Committee decided as under: The committee is of the opinion that application bearing code No. ERCAPP3767 of the institution regarding recognition for D.El.Ed. programme is refused under section 14(3)(b) of NCTE Act 1993."

AND WHEREAS Sh. Basu Deb Tewari, Secretary, Raja Ram Mohan Roy Teacher Training Institute, Nadia, West Bengal presented the case of the appellant institution on 02/12/2016. In the appeal and during personal presentation it was submitted that "ERC, NCTE issued a show cause notice (memo no. ERC/7-Corrigendum195.72/D.El.Ed./ERCAPP3767/2015/37044 dated 22/10/2015) but unfortunately that time we were facing financial problem. So we became unable to finish our infrastructure as the Rules and Regulations of NCTE for that reason we did not reply the letter issued by the NCTE but Sir, now we are completely ready with proper building and other infrastructure."

AND WHEREAS Appeal Committee noted that appellant institution was issued a Show Cause Notice (SCN) dated 22.10.2015 on the ground that N.O.C. from affiliating body was not submitted. The appellant institution was allowed three weeks time for submitting a written representation alongwith supporting documents.

AND WHEREAS Appeal Committee further noted that appellant institution did neither submit N.O.C. of affiliating body nor any written representation in reply to the S.C.N. dated 22.10.2015. E.R.C. in its 214 Meeting held on 13-15th May, 2016, therefore, decided to refuse recognition.

AND WHEREAS Appeal Committee noted that appellant in its appeal memoranda stated that infrastructure was not complete so no reply to S.C.N. was given. Appellant, however, submitted copy of N.O.C. along with its Appeal Memoranda dated 04/09/2016.

AND WHEREAS Appeal Committee is of the opinion that appellant institute was given opportunity and adequate time for submission of reply to S.C.N. The justification given by the appellant is not relevant. N.O.C. of affiliating body is dated 27.06.2015 and nothing could have prevented the appellant in submitting N.O.C. in reply to S.C.N. Appeal Committee, therefore, decided to confirm the refusal order dated 09/07/2016 issued by E.R.C. Bhubaneswar.

AND WHEREAS appellate order dated 18/01/2017 was accordingly issued which is noticed to be challenged in the Court of Law by the appellant institution. The matter is put before Appeal Committee in its special meeting held on 25/09/2019.

AND WHEREAS Appeal Committee noted that Hon'ble High Court of Delhi passed an order dated 29/05/2018 in case number W.P. (C) 5110/2018, the operative part of which reads as follows:-

"I am of the considered view that even if the petitioner was at fault in not furnishing the NOC in response to the show cause notice issued by the respondent no. 2, once the said NOC was very much available with the appellate authority at the time of deciding the petitioner's appeal, the same ought to have been considered. The issue regarding the requirement to consider subsequent documents as made available to the Appellate Authority, already stands settled by the decision of this Court in Rambha College of Education Vs. NCT and Ors., which has already attained finality.

Accordingly, the impugned orders dated 18/01/2017 and 16/03/2018 are hereby quashed and the matter is remanded back to respondent no. 1 to reconsider the petitioner's appeal and pass a reasoned and speaking order by following the due procedure within 12 weeks from today."

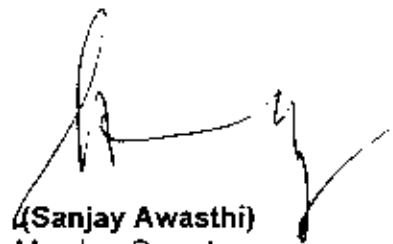
AND WHEREAS Appeal Committee while considering the appeal dated 04/09/2016 preferred by appellant had taken into consideration the ground of refusal order dated 09/07/2016 which was 'non submission of reply to the Show Cause Notice dated 22/10/2015.' The time limit for submission of reply to S.C.N. was 21 days and impugned refusal order was issued on 09/07/2016 i.e. after waiting for more than 250 days. Appellant in its Appeal Memoranda dated 04/09/2016 submitted copy of N.O.C. dated 27/06/2015. Keeping in view the date of issue of N.O.C., Appeal Committee considered that this N.O.C., could have easily been forwarded by the appellant along with hard copy of its online application dated 29/06/2015. Further Appeal Committee is of the view that apart from non-furnishing of N.O.C. non submission of any reply to the S.C.N. was a major reason for rejecting the application and the forum of Appellate Authority should not be allowed to be used as a stage for submitting required documents at a belated stage without proper justification.

AND WHEREAS Appeal Committee is further apprised that a Contempt Petition has been filed for non-compliance of order dated 29/05/2018 issued by Hon'ble High Court in W.P. No. 5110/2018 titled Raja Ram Mohan Roy Teacher Training Institute Vs. NCTE. Appeal Committee taking note of the current scenario where filing review petition seems time barred decided to remand back the case to ERC for revisiting the matter. Appellant institution is, directed to submit the NOC to the ERC within 15 days of the issue of Appeal order. ERC may take further action as per the NCTE Regulations, 2014 after verifying the NOC to be submitted by the appellant. Appellate Authority further considered it necessary to remark that this case should not be cited as precedent for any alike cases in future.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced, Appeal Committee concluded to remand

back the case to ERC for revisiting the matter. Appellant institution is, directed to submit the NOC to the ERC within 15 days of the issue of Appeal order. ERC may take further action as per the NCTE Regulations, 2014 after verifying the NOC to be submitted by the appellant. Appellate Authority further considered it necessary to remark that this case should not be cited as precedent for any alike cases in future.

NOW THEREFORE, the Council hereby remands back the case of Raja Ram Mohan Roy Teacher Training Institute, Nadia, West Bengal to the ERC, NCTE, for necessary action as indicated above.



(Sanjay Awasthi)
Member Secretary

1. The Secretary, Raja Rammohan Roy Teacher Training Institute, Krishnanagar, Natunpara, Krishnanagar, Sadar – 741101, 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, Neeikanth Nagar, Nayapalli, Bhubaneswar – 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.