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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-258/E-197758/2021 Appeal/1st Meeting, 2022
APPLERC202114114

Sundarban Minority B.Ed. College, Amtala Bazar, 1525, 1546, Kumarjole, Hatbhanga, North 24-Pargana, West Bengal – 743425 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. M. S. Mallick (Chairman)
Respondent by	Regional Director, ERC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Sundarban Minority B.Ed. College, Amtala Bazar, 1525, 1546, Kumarjole, Hatbhanga, North 24-Pargana, West Bengal - 743425** dated 04/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER.295.16/ERCAPP1328/B.Ed./2021/64436 dated 03.09.2021. of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The list of faculty (1+15) has not been submitted by the institution and also the website of the institution is not found functional. Committee decided to withdraw the recognition from the academic session 2021-2022.”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. M. S. Mallick (Chairman), Sundarban Minority B.Ed. College, Amtala Bazar, 1525, 1546, Kumarjole, Hatbhanga, North 24-Pargana, West Bengal appeared to present online the case of the appellant institution on 06/01/2022. In the appeal Memoranda it was submitted that “ERC by its order dated 31.08.2013 granted recognition to the institute for conducting B.Ed. Course with annual intake of 100 students from the academic session 2014-15. After notification of NCTE Regulations, 2014, ERC issued the revised recognition order dated 26.05.2015 for two basic units (100 seats) of B.Ed. Course. ERC vide its decision taken in 275th Meeting (Part II) held on 27.07.2019 withdrew recognition of B.Ed. Course from the academic session 2020-21. Being aggrieved, the institution filed appeal (APPLERC202013809) dated 17.11.2020 before the appellate authority. The appellate authority vide its order dated 24.12.2020 accepted our appeal and remanded the matter back to ERC for revisiting the matter observing that the institute had infact submitted two list of faculty containing the name of 16 faculty and the building plan and building completion certificate was also submitted by the institution. Thereafter, Hon’ble Delhi High Court by its order dated 07.01.2021 read with 15.01.2021 passed in WP(C) No.166/2021 disposed of the said writ petition with following directions: - 5. Having regard to the aforesaid facts and following the aforementioned orders of coordinate benches of this Court, the present writ petition is disposed of with the following directions: a) It is clarified that the order of the ERC dated 02.09.2019 is rendered inoperative by virtue of the decision of the Appellate Committee. The decision of the ERC stands quashed, reserving liberty to the ERC to take a fresh decision on remand in accordance with law. b) Until such a decision is taken, the petitioner is entitled to all consequential reliefs including reinstatement as a recognized institution and to participate in the admission process for the academic year 2020-21 and subsequent years. c) The respondent will correct the petitioner’s status on its website and will communicate the aforesaid status to the Affiliating University as well as to the Department of Higher Education, State of West Bengal. A true copy of orders dated 07.01.2021 & 15.01.2021 are attached. After remand, the institution vide its letter dated 20.01.2021 submitted the relevant orders to ERC. Thereafter, ERC in its 288th Meeting held on 29th January, 2021 again decided to issue show cause notice on following two grounds: - (i) Principal post is not mentioned in the approved faculty list. Also, legible copy of faculty list to be submitted. (ii) Original FDR Rs.5 lakh in joint mode as per NCTE Regulation, 2014 to be submitted. In terms of the above decision of ERC, formal show cause

notice dated 03.05.2021 was issued to the institution. The institute vide its letter dated 07.02.2021 and 02.03.2021 submitted two replies giving para wise response to both points mentioned in the show cause notice alongwith supporting documents such as approved faculty list of 16 faculty. As the Principal of the college Dr. G. N. Rao had unfortunately expired due to Covid-19 on 10.01.2021, therefore, the institute informed that an advertisement dated 10.02.2021 was issued for filling up the post of Principal and a letter was sent to the affiliating university for nominating the members of selection committee for the selection of the Principal and in the meanwhile, as per the approval letter dated 11.02.2021, Mr. Sushanta Mahato was approved by the University to continue as In-Charge Principal as a stop gap arrangement. Further, so far as joint FDR of Rs.5 lakh is concerned, it was informed that original joint FDR of Rs.5 lakh was already deposited with the ERC by institute letter dated 09.09.2019 and a copy thereof was submitted to ERC."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 166 of 2021** in the **Hon'ble High Court of Delhi at New Delhi** and the **Hon'ble Court vide order dated: 15/01/2021** directed as under:

"In paragraph 5(b) of the said order, the academic year is mentioned as "2021-2022", whereas Mr. Amitesh Kumar, learned counsel for the petitioners, submits that it should have read as "2020-2021". Mr. Jaideep Khanna, learned counsel for the respondents, does not dispute this position.

In view of the above, paragraph 5(b) of the order dated 07.01.2021 is corrected and will read as follows:

"b) Until such a decision is taken, the petitioner is entitled to all consequential reliefs including reinstatement as a recognized institution and to participate in the admission process for the academic year 2020-2021 and subsequent years.

The application is disposed of in the above terms".

2. The Appeal Committee noted that the Appellant Institution by its letter dated 2.3.2021 as a reply to the Final Show Cause Notice dated 3.3.2021 submitted the approved faculty list (16 nos.) to ERC and informed that the process for appointment of new Principal has started. The vacancy had occurred due to sudden demise of Principal, Dr. G.N. Rao, due to COVID19. Appeal Committee observes that there is no control on the natural calamity viz Pandemic spread all over the world. Further, the Registrar of the Affiliating University was also informed

by appellant institution vide letter dated 11.02.2021 to constitute a Selection Committee for selection of new Principal.

3. Appeal Committee noted that by virtue of the Court Order referred to in para-1 the impugned withdrawal order is set aside and has become inoperative. The appellant institution is entitled to all the benefits of recognised institution. It has also been noted that the withdrawal order dated 03.09.2021 is not in consonance of proviso 2 of section 17(1) of NCTE Act. It should have been operative from the academic session 2022-23.

4. The Appeal Committee further noted that the Appellant Institution with its Memoranda of Appeal has submitted following documents in the appeal :-

- i) Letter dated 11.02.2021 alongwith list of faculty (16 nos.) approved by the Affiliating University.
- ii) Recommendation of the Selection Committee for appointment of Sh. Masudel Hossain as Principal duly approved by the Registrar, The West Bengal University of Teacher's Training, Education, Planning and Administration dated 13.7.2021.
- iii) Functionality status of institution's website.

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 4382/2021 has observed as follows: -

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

6. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

7. In the above circumstances, Appeal Committee decided to set aside the impugned order of withdrawal dated 03.09.2021 and remand back the case to ERC with a direction to revisit the

matter by considering the documents submitted by the appellant in the appeal and take further necessary action with proper verification as per Regulations, 2014. The Appellant is directed to submit above documents to ERC within 15 days from the date of issue of order in appeal.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to ERC for revisiting the matter with proper verification as per NCTE Regulation, 2014 as indicated above.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sundarban Minority B.Ed. College, Amtala Bazar, 1525, 1546, Kumarjole, Hatbhanga, North 24-Pargana, West Bengal – 743425**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-319/E-229865/2022Appeal/1st Meeting, 2022
APPLWRC202114188**

G.S. Jangid TT college, 63/1, Gangana, Doli, Bujawar Luni, Jodhpur, Rajasthan-342101 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Mohan Lal (H.O.D.)
Respondent by	Regional Director, WRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **G.S. Jangid TT college, 63/1, Gangana, Doli, Bujawar Luni, Jodhpur, Rajasthan-342101** dated 18.11.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/NRCAPP-10731/274th Mtg., /2017/181566 dated 17.09.2017 of the Western Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "Land is on lease basis. Less built-up area and land area. Institution not Composite"

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Mohan Lal (H.O.D.), G.S. Jangid TT college, 63/1, Gangana, Doli, Bujawar Luni, Jodhpur, Rajasthan-342101 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that "A gift deed executed in favour of institution attached. Institution is already running B.Ed. programme since 2008 and is composite. Institution has sufficient required as per NCTE Regulations 2014"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **S.B. Writ Petition (C) No. 6007/2021** in the Hon'ble High Court of Judicature for Rajasthan at Jodhpur. And Hon'ble Court vide order dated **21.10.2021** directed as under:

The present writ petition has been directed against order dated 17.09.2017, passed by the Regional Director, National Council for Teacher Education. As the petitioner is having efficacious statutory remedy under Section 18 of the Act of 1993, this Court is not inclined to interfere in the matter. The writ petition is, therefore, not entertained. Petitioner shall, however, be free to prefer an appeal under 18 of the Act of 1993, in accordance with law along with an application for condonation of delay. If the appeal is filed within a period of four weeks along with the application for condonation of delay, the Appellate Authority shall consider the same, in accordance with law, without being influenced by the fact that the petitioner's writ petition has been dismissed by this Court. Stay application also stands disposed of accordingly.


2. Appeal Committee noted that appellant institution submitted online application dated 27.05.2015 seeking recognition for B.A.B.Ed./B.Sc.B.Ed. Programme. The land document submitted with printout of application was a lease deed executed on 07.11.,2006. Clause 8 (4) (i) of NCTE Regulation, 2014 prescribes that "No Institution shall be granted recognition under these regulations unless the institution or Society is in possession of required land on the date of application. The land free from all encumbrances could be either on ownership basis or on lease from Government or Government Institution."

3. Impugned refusal order dated 17.09.2017 issued primarily on the ground that institution did not possess land on ownership basis as per NCTE Regulation and allowed 60 days time to applicant to prefer appeal under Section 18 of the NCTE Act.
4. Appeal Committee noted that appeal filed by appellant is devoid of merit and is further delayed by four years. Reason for delay given by appellant i.e. 'Pendency before Court' is also not acceptable as Court Case was filed by appellant in the year 2021.
5. Appeal Committee decided not to accept the appeal on grounds of unjustified delay of 4 years.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded not to condone the delay. Appeal is rejected on ground of delay and merits. Hence, appeal is not admitted.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, G.S. Jangid TT college, 63/1, Gangana, Doli, Bujawar Luni, Jodhpur, Rajasthan-342101
2. The Secretary, Ministry of Education, 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 Rajasthan.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-338/E-232708/2022 Appeal/1st Meeting, 2022
APPLSRC202114192

Bhashyam College of Education, 11-146/5A,B, Mallikarjunapuram Colony, 118/1, 392/2, Industrial Estate, Gorantla, Main Road, Teacher Colony, Guntur, Andhra Pradesh-522034 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Ponnana Rama Seshayya (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Bhashyam College of Education**, 11-146/5A,B, Mallikarjunapuram Colony, 118/1, 392/2, Industrial Estate, Gorantla, Main Road, Teacher Colony, Guntur, Andhra Pradesh-522034 dated 23/11/2021 filed under Section 18 of NCTE Act, 1993 is against the Order NoF.SRO/NCTE/APS08790/B.Ed./{AP}/2020/122093 dated 29.12.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted photocopy of land document. Certified copy of land documents not

submitted. The extent of land converted is not mentioned in the land use certificate. The Building plan submitted is in the name of an individual. The Institution has not submitted certified copy of site plan. The Survey No. mentioned in BCC is 150/B & 118/1 whereas in the land document the survey no mentioned are 392/2 & 118/1. The institution is required to clarify the difference in the survey nos. The BCC submitted is not in the format as prescribed by the NCTE. The proforma of the faculty submitted by the institution which signed by the Registrar, Nagarjuna University, but the date of the approval is not mentioned over it. Photocopy of staff list approved by the Registrar, Acharya Nagarjuna University consisting of one Principal, 14 Assistant Professors submitted dated Nil for the academic session 2018-19. The 5 Lecturers have been shown appointed on 18.10.2017, 04.05.2018, 29.08.2017, 18.05.2018, thus not having NET/Ph.D as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. Other staff have been shown appointed before promulgation of NCTE Regulations dated 09.06.2017. (a) Faculty in respect of Fine Arts is not appointed. (b) The Institution has also submitted photocopy of staff list of D.Ed. Course (1+7) approved by Director, SCERT dated Nil for the year 2013."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Ponnana Rama Seshayya (Principal), Bhashyam College of Education, 11-146/5A,B, Mallikarjunapuram Colony, 118/1, 392/2, Industrial Estate, Gorantla, Main Road, Teacher Colony, Guntur, Andhra Pradesh-522034 appeared online to present the case of the appellant institution on 06.01.2022. In the appeal it is submitted that "SRC vide its order dated 29.12.2020 has withdrawn our recognition observing deficiencies which were already clarified / ratified by our institution. Revised recognition order dated 06.05.2015 with intake of 100 students, was issued to the appellant institution. SRC issued show cause notice dated 12.10.2018 to appellant institution for submitting the documents as per revised recognition order. The appellant institution submitted the relevant documents to SRC. The SRC issued final show cause notice dated 13.11.2019 to appellant institution for submitting the documents as per revised recognition order. The appellant institution submitted the relevant documents to SRC. The appellant institution is once again submitting the following documents as were submitted by the appellant to SRC. Certified copy of land documents. Conversion of Land use Certificate. Building plan issued in the name of the college. Certified copy of site plan. The BCC in the format prescribed by the NCTE. The duly signed faculty list by the Registrar, with date.

As per the NCTE letter dated 13.08.2018, the 2017 Regulation is under consideration and the faculty of the petitioner is eligible accordingly. The impugned decision taken by the SRC is completely arbitrary as the SRC did not issue 2nd show cause notice to the petitioner institution, required mandatorily in terms of the SOP issued by the NCTE itself. In view of the SOP, SRC ought to have issued another (2nd) show cause notice in light of the show cause notice dated 12.10.2018 before taking the impugned decision of refusal. SRC has taken the impugned decision without observing that the petitioner vide its earlier replies, have already submitted the documents as desired by the SRC vide its show cause notice issued from time to time, and if any document was further required to be submitted on the part of the institution, the institution ought to have been provided an opportunity for submitting the same."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was granted recognition to conduct B.Ed. programme with an intake of 100 seats by an order dated 01.10.2007. Appellant for the purpose of seeking recognition has submitted a Lease Deed valid from 2007 to 2037. Appeal Committee noted that appellant in reply to the Show Cause Notice dated 13.11.2019 had submitted to SRC on 13.08.2020 the copies of documents which included the copy of Lease deed registered in April, 2007.

2. Appeal Committee noted that appellant institution has submitted copies of documents i.e. Lease deed documents, CLU, Building Plan, Site Plan, BCC, Form 'A', FDRs, Faculty list approved by Acharya Nagarjuna University on 22.01.2021.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 4382/2021 has observed as follows: -

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 7260/2021 has observed as follows:-

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

5. Appeal Committee decided to remand back the case to SRC with a direction to consider the matter as per NCTE Regulations, 2014. The appellant institution is required to submit authenticated copies of all these documents to SRC within 15 days of the issue of appeal order.

6. Appeal Committee noting that impugned order of withdrawal dated 29.12.2020 making the withdrawal effective from academic session 2020-21 is not in consonance with proviso 2 of Section 17 (1) of the NCTE Act and thus needs to be revisited after taking into consideration the documents required to be submitted by appellant within 15 days of the issue of appeal order.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Bhashyam College of Education, 11-146/5A,B, Mallikarjunapuram Colony, 118/1, 392/2, Industrial Estate, Gorantla, Main Road, Teacher Colony, Guntur, Andhra Pradesh-522034**
2. **The Secretary, Ministry of Education, 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.**

6



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-342/E-232943/2022Appeal/1st Meeting, 2022
 APPLSRC202013774

BS and JR College of Education, 277/9, 10, 11, 12, 13, 15 and 17, Tekkali, Srikakulam, Andhra Pradesh-532202 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Hanumanthu Someswara Rao (System Admin)
Respondent by	Regional Director, SRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **BS and JR College of Education, Tekkali, Srikakulam, Andhra Pradesh-532202** dated 17/10/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS00313/B.Ed./AP/2020-117872 dated 08.09.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not submitted certified copy of registered land. Diverted area is not mentioned in the certificate submitted as CLU. Multipurpose hall is not mentioned in BCC. Photocopy of the staff list approved by the principal, BS and JR college of education, Tekkali counter signed by registrar, Dr B.R. Ambedkar University consisting of 8 assistant professors

submitted dated Nil for the academic session 2018-2019. A. The institution has also submitted photocopy of staff list for D.Ed. course dated 18.08.2012 approved by director, SCERT, A.P.B. lecturer at serial number 9 and 10 were appointed on 30.10.2019, and not having NET/PHD as per NCTE (recognition norms and procedure) (amendment) regulations, 2017 dated 29.05.2017 notified on 09.06.2017. The institution has not submitted Form "A" issued by the Branch Manager in favour of NCTE. FDR submitted has expired."

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Hanumanthu Someswara Rao (System Admin), BS and JR College of Education, Tekkali, Srikakulam, Andhra Pradesh-532202 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that "We had submitted the required land document's true copy given by the office of the Sub Registrar, Tekkali, Mandalam, Srikakulam district in original bearing survey numbers 277/9, 10, 11, 12, 13, 15 and 17. At the same time we had submitted the English translation of all the land documents bearing survey numbers 277/9, 10, 11, 12, 13, 15 and 17 for the previous correspondences from the southern regional office, NCTE. Herewith once again submitting fresh land documents of the same in original along with notarized English translation land documents for your kind perusal and orders once again I would like to give the clarification that the certified copy of registered land documents had been submitted to SRC, NCTE, Bangalore for its correspondences many numbers of times and also these land documents had been submitted to the SRC, NCTE, New Delhi. Even after submission of these land documents once again here in this withdrawal order bearing number F.SRO NCTE/APS00313/B.Ed./AP/2020-117872 Dated 08.09.2020 noted as one of the deficiencies. Kindly analyze and pass the appropriate order at the earliest. We had been submitted the change land use certificate issued by the revenue divisional office, sub-collectors office, tekkali mandalam, Srikakulam district. In which it is clearly stated the total area of the 2 acres and 53 cents had been converted for the purpose of non-agriculture i.e., for running educational institutions bearing certificate number d.dis.741/2012 b dt.28.04.2012 form the sub-collector's office, tekkali. So kindly analyze the available record and pass the continuation order for the B.Ed. programme at the earliest. Once again, I would like to give the clarification that the certified copy of change land certificate (CLU) had been submitted to SRC, NCTE, Bangalore for its correspondences many numbers of times and also the same had been submitted to the SRC, NCTE, New Delhi in reply to final Show Cause Notice bearing order number F.SRO/NCTE/AP/ 2019/ 1510 dated 08/11/2019.

Even after submission of these Certified Land Conversion documents once again here in this withdrawal order bearing number F.SRO/NCTE/APS00313/B.Ed./AP/2020-117872 dated 08.09.2020 noted as one of the deficiencies. We had submitted the approved BCC as per the prescribed format by the NCTE. But in that BCC format there is no such column pertaining to the area of the multipurpose hall. Herewith submitting the fresh notarized BCC with the area of multipurpose hall approved by the competent authority for your kind consideration. Herewith submitting the latest approved staff as per the latest norms and regulation of NCTE for your kind perusal and orders with respect to the below deficiencies at rejection ground number 4. i.e., b. Lecturer at serial number 9 and 10 was appointed on 30.10.2019, Thus not having NET/PHD as per NCTE (recognition norms and procedure) (amendment) regulations, 2017 dated 29.05.2017 notified on 09.06.2017. The above deficiencies are belonging to BS and JS D.Ed. College, and it is not applicable to BS and JR College of Education i.e., B.Ed. programme. The existing B.Ed. programme consists of only one unit i.e., 50 intake per semester. Accordingly, the required staff list has been submitted for your kind consideration. We had been submitted the copy of Form "A" given by the branch manager, Andhra Bank, Tekkali branch. Herewith once again submitting the fresh certificate of Form "A" given by the same branch for your kind consideration. The submitted FDRS are not expired. It is renewed as per the bank procedures. The renewal details are clearly stating in the back side of the FDR due date is up to 29/12/2023 for an amount of Ten Lakh Forty Three Thousand Four Hundred and Thirty Rupees Only (10,43,430) bearing FDR receipt number 592135 and the due date is up to 28.01.2024 for an amount of Six Lakh Two Thousand Twenty Four Rupees bearing FDR receipt number 592136."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 13455/2021** in the **Hon'ble High Court of Delhi at New Delhi** and Hon'ble Court vide order dated **29.11.2021** directed as under:

"The impugned order of the SRC withdrawing the petitioner's recognition was issued on 08.09.2020. It is not disputed that it was communicated to the petitioner only during the academic session 2020-21. Consequently, by the application of the aforesaid proviso, it would take effect only from the end of

academic session 2021-22. In view of the above, there is no impediment to the petitioner participating in the counselling and admitting students for the academic session 2021-22. The NCTE is directed to reflect the status of the petitioner as a recognized institution for the year 2021-22 on its website. The NCTE is also directed to communicate the same to the petitioner's affiliating university, and the concerned State Government within one week from today. The Appellate Committee of the NCTE may also endeavor to dispose of the petitioner's appeal as expeditiously as possible and practicable and will in any event do so not later than three months from today. The petition, alongwith pending application, is disposed of with these directions".

2. Appeal Committee noted that appellant institution was granted recognition to conduct B.Ed. programme in the year 2003 and revised recognition order under NCTE Regulation, 2014 was issued on 28.05.2015. Appeal Committee noted that appellant institution since inception is functioning from the premises located at Survey No. 277/9, 277/10, 277/11, 277/12, 277/13. Appellant in reply to Show Cause Notice had submitted to SRC copies of NEC, LUC, Site Plan, FDRs and list of faculty etc. Appellant again with its appeal Memoranda has submitted copies of these documents. Appellant is required to seek a certified copy of land document from the office of Registrar and submit it to office of SRC within 15 days of the issue of appeal order alongwith copies of faculty list, FDRs, Form 'A', Site Plan, Building Plan, and Building Completion Certificate (BCC). Appellant is also required to submit a formal request to SRC for reduction in the intake as affiliating University by its letter dated 27.02.2020 has restricted the intake of B.Ed. programme to 50 seats.

3. Appeal Committee noted that in the list of faculty submitted by appellant, the programme to which the faculty is relevant has not been mentioned. Moreover, faculty is shown appointed prior to May, 2014. Appellant is therefore, required to substantiate with salary statement of the faculty the compliance of provision of Clause 10 (2) of NCTE Regulation, 2014.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 4382/2021 has observed as follows: -

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 7260/2021 has observed as follows:-


“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

6. Appeal Committee decided to set aside the impugned withdrawal order and remand back the case to SRC for revisiting the matter and issue of fresh appropriate order after verifying the details of faculty with reference to admission made by appellant institution from academic session 2015-16 onwards.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter and issue of fresh appropriate order after verifying the details of faculty with reference to admission made by appellant institution from academic session 2015-16 onwards.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, BS and JR College of Education, 277/9, 10, 11, 12, 13, 15 and 17, Tekkali, Srikakulam, Andhra Pradesh-532202

2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-344/E-233062/2022Appeal/1st Meeting, 2022
APPLNRC202114215

Rishi Ramnaresh krishak Degree College Molanapur Dubari Mau, 2742 2743 2744 2746 2737 etc, Molanapur Dubari Road, Fathapur Mandav Mau, Uttar Pradesh-221601 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Chandramani Yadav (Director)
Respondent by	Regional Director, NRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Rishi Ramnaresh krishak Degree College Molanapur Dubari Mau, 2742 2743 2744 2746 2737 etc, Molanapur Dubari Road, Fathapur Mandav Mau, Uttar Pradesh-221601** dated 08.12.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. Meeting/2016/150326-27 dated 09.06.2016 of the Northern Regional Committee, refusing recognition for conducting M.Ed. Course on the grounds that “Not received NOC letter in 30 days.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Chandramani Yadav (Director), Rishi Ramnaresh krishak Degree College Molanapur Dubari Mau, 2742 2743 2744 2746 2737 etc, Molanapur Dubari Road, Fathapur Mandav Mau, Uttar Pradesh appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that “University letter delay.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 11664/2021** in the **Hon’ble High Court of Delhi at New Delhi** and Hon’ble Court vide order **dated 11.10.2021** directed as under:-

“At the outset, Mr. Kunal Jaiman, learned counsel for the petitioner, seeks permission to withdraw this writ petition, with liberty to approach the Appellate Committee of the National Council for Teacher Education under section 18 of the NCTE Act, 1993. Mr. Jaiman, however, submits that the petitioner’s case is covered by several orders of this Court. It is always open for the petitioner to cite those orders before the Appellate Committee, which is directed to consider the matter in accordance with law, and to deal with the orders of this Court cited by the petitioner. The petition is dismissed as withdrawn, with liberty as aforesaid. All rights and contentions of the parties are reserved”.

2. Appeal Committee noted that impugned refusal order dated 09.06.2016 was issued after rendering opportunity to the appellant to submit written representation by a letter dated 16.10.2015. Appellant was also informed of the provision and guidelines for submitting appeal within a period of 60 days from the date of issue of impugned refusal order.

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

4. Appeal Committee noted that appellant with its appeal Memoranda dated 08.12.2021 has submitted NOC dated 25.05.2019 issued by affiliating University. As per Clause 5 (3), NCTE Regulation, 2014, NOC of affiliating University is required to be submitted with the application which in present case was submitted on 28.06.2015.

5. Appeal Committee decided not to condone the unjustifiable delay. Hence appeal is not admitted.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded not to condone the delay. Hence appeal is not admitted.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Rishi Ramnaresh krishak Degree College Molanapur Dubari Mau, 2742 2743 2744 2746 2737 etc, Molanapur Dubari Road, Fathapur Mandav Mau, Uttar Pradesh-221601
2. The Secretary, Ministry of Education, 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.

8



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-345/E-233295/2022 Appeal/1st Meeting, 2022
 APPLWRC202114221

Rama Krishna Integrated Degree College, 557, 558, 558/880 Raghunathpura Ratlya Diggi Road, Sanganer, Jaipur, Rajasthan-302015 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Pratiksha Sharma (Principal)
Respondent by	Regional Director, WRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Rama Krishna Integrated Degree College, Raghunathpura Ratlya Diggi Road, Sanganer, Jaipur, Rajasthan-302015** dated 14/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRCAPP201616081/343rd/2021/218218 to 218219 dated 15.11.2021 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed. /B.Sc. B.Ed. Course on the grounds that “Non submission of reply of SCN within stipulated time.”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Pratiksha Sharma (Principal), Rama Krishna Integrated Degree College, Raghunathpura Ratlya Diggi Road, Sanganer, Jaipur, Rajasthan-302015 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that "The WRC decided in its 332nd meeting directing the institution to submit the latest staff list approved by the university. Accordingly, Show Cause Notice dated 23.03.2021 was issued to the institution. The institution submitted reply vide letter dated 05.04.2021. However, the WRC in its 343rd meeting refused recognition to the institution on the wrong ground that the institution has not replied to the Show Cause Notice within stipulated time. The WRC without going through the record refused recognition on a wrong ground."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **Writ Petition (C) No. 13729/2021** in the **Hon'ble High Court of Delhi at New Delhi**. And Hon'ble Court vide order **dated 03.12.2021** directed as under:-

"The petitioner assails a decision of the Western Regional Committee of the National Council for Teacher Education dated 08-09.10.2021 by which its application for recognition of second unit of the B.A.B.Ed./B.Sc.B.Ed. course has been rejected. Mr. Mayank Manish, learned counsel for the petitioner, does not dispute that the decision is appealable under Section 18 of the NCTE Act, 1993. Further, he submits that the formal order has not been communicated to the petitioner. The respondents are directed to communicate the order to the petitioner within one week from today, and the petitioner is at liberty to invoke its appellate remedy. The order will also be communicated to Mr. Manish. The petition is disposed of in these terms".

2. Appeal Committee noted that appellant institution had initially applied for 100 seats (2 Unit) of BA.B.Ed./B.Sc.B.Ed. programme by online application dated 31.05.2016.

3. Appeal Committee noted that appellant institution was issued Letter of intent (LOI) dated 12.04.2017 for an intake of 2 Unit (100 seats) of BA.B.Ed./B.Sc.B.Ed. programme. Appeal Committee noted that in response to the LOI dated 12.04.2017 appellant institution requested NRC by its letter dated 29.04.2017 that number of students seeking admission in Science stream are less, it shall be granted recognition for 100 seats (2 Unit) of BA.B.Ed. programme. NRC in its 269th Meeting held from 26 April to 2nd May, 2017 decided that recognition be granted for one Unit from academic session 2017-18.
4. Appeal Committee noted that after issue of recognition order dated 02.05.2017, appellant institution requested NRC by its letter dated 03.10.2018 that faculty for B.Sc.B.Ed. has been approved by affiliating University and as such recognition for B.Sc.B.Ed. may also be granted. NRC in its 294th Meeting held from 28 to 29 January, 2019 decided that the appellant institution has to apply afresh and decision was communicated to appellant institution on 09.02.2019.
5. Appeal Committee noted that Appellant institution by its letter dated 18.02.2021 requested WRC (Previously NRC) that in similarly placed cases recognition was granted for additional Unit on the directions of Appeal Committee.
6. Appeal Committee noted that appellant institution by a decision taken in 332nd Meeting held on 1-2 February, 2020 decided to ask the appellant to submit latest faculty approved by affiliating University, Appeal Committee noted that appellant institution by its letter dated 05.04.2021 submitted the list of faculty approved by Rajasthan University on 01.04.2021.
7. Appeal Committee noted that impugned refusal order dated 15.11.2021 is on the ground that appellant institution has not furnished faculty list even in response to the Show Cause Notice dated 23.03.2021 whereas the reply of Appellant institution submitted within the prescribed time limit was available on file. Appellant is however, required to submit a consolidated list of faculty for BA.B.Ed./B.Sc.B.Ed. keeping in view the requirement of Pedagogy subject in both stream i.e. BA. B.Ed. and B.Sc. B.Ed.
8. Appeal Committee decided to remand back the case to WRC for revisiting the case considering the reply dated 05.04.2021 to the SCN dated 23.03.2021.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC for revisiting the case considering the reply dated 05.04.2021 to the SCN dated 23.03.2021.

The above decision is being communicated on behalf of the Appeal Committee.



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Rama Krishna Integrated Degree College, 557, 558, 558/880 Raghunathpura Ratlya Diggi Road, Sanganer, Jaipur, Rajasthan-302015**
2. The Secretary, Ministry of Education, 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 Rajasthan.

9



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-346/E-233297/2022Appeal/1st Meeting, 2022
APPLWRC202114223**

Mehta Teacher Training College, Amer, Udaipuriya Harmara, Amer, Sikar Road, Amer, Rajasthan-302013 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Rajesh Kumar Sharma (Vice President)
Respondent by	Regional Director, WRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND'S OF REFUSAL

The appeal of **Mehta Teacher Training College, Amer, Udaipuriya Harmara, Amer, Sikar Road, Amer, Rajasthan-302013** dated 17/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRCAPP201615372 dated 25.04.2017 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed. /B.Sc. B.Ed.Course on the grounds that "Land had been allotted in favour of an individual which is not acceptable as per NCTE Regulation. Submission of Non-Encumbrance Certificate issued by the competent authority indicating that the land is free from all encumbrances. Submission of Composite institution proof. Readable approved building plan signed by the competent Govt. authority indicating the name of course, name of institution, Khasra number / plot number, total land area, total built up area, and

measurements of the multipurpose hall as well as the other infrastructure facilities such as classroom etc.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Rajesh Kumar Sharma (Vice President) Mehta Teacher Training College, Amer, Udaipuriya Harmara, Amer, Sikar Road, Amer, Rajasthan-302013 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that “Land is registered to Mehta Educational Society and Mehta Teacher Training College is a part of this society. Mehta teacher training college already Non-Encumbrance Certificate and submitted to NRC NCTE Office. Attachment attached. Mehta teacher training college already running two-year bed course since 2008 hence the institute is composite institution. Proof attached. Mehta teacher training college attached a competent Govt. authority approved building plan with all required parameters.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **S.B. Writ Petition (C) No. 16624/2021** in the **Hon’ble High Court of Judicature for Rajasthan at Jodhpur**. And Hon’ble Court vide order dated **01.12.2021** directed as under:-

“The petitioner has preferred the present writ petition against the order dated 25.04.2017, passed by the Northern Regional Committee of the National Council for Teacher Education. The Petitioner has directly approached this court without availing the statutory remedy of appeal provided under Section 18 of the National Council for Teacher Education Act, 1993. This Court is, therefore, not inclined to entertain the present writ petition; the petitioner may file an appeal in accordance with law within a period of three weeks from today alongwith the application for condonation of delay. In case such an appeal alongwith the condonation application is filed, the appellate authority shall

consider the same in accordance with law expeditiously. The writ petition as well as stay application stand disposed of”.

2. Appeal Committee noted that there is a delay of more than 4 years and 8 months and for the delay appellant has submitted reason 'Court Matter – Delay condoned by court'. Appeal Committee noted that order dated 01.12.2021 of Hon'ble High Court of Jodhpur is to the extent of filing appeal by the petitioner alongwith application for condonation of delay. Court order further says that appellate authority shall consider the same in accordance with law expeditiously.
3. Appeal Committee noted that appellant had filed the Civil Writ Petition No. 16624/2021 in the High Court in year 2021 and the delay of 4 year and eight months cannot be treated as attributable to pendency of the Court Case.
4. Appeal 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 be admitted after the expiry of the period prescribed therefor, if the appellant satisfied the Council that he had sufficient cause for not preferring the appeal within the prescribed period.
5. Appeal Committee considering the delay of 4 year and eight months and the reasons for delay by appellant decided not to condone the delay. Appeal is not admitted on grounds of inordinate delay.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded not to condone the delay. Appeal is not admitted on grounds of inordinate delay.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Mehta Teacher Training College, Amer, Udaipuriya Harmara, Amer, Sikar Road, Amer, Rajasthan-302013
2. The Secretary, Ministry of Education, 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 Rajasthan.

10



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-348/E-233634/2022Appeal/1stMeeting, 2022
APPLSRC202114141

SDM Trusts, B.Ed. College Terdal, 4725, Terdal, Ramkavi Road, Jamkhandi, Bagalkot, Karnataka-587312 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	
Respondent by	Regional Director, SRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **SDM Trusts, B.Ed. College Terdal, 4725, Terdal, Ramkavi Road, Jamkhandi, Bagalkot, Karnataka-587312** dated 26/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No.SRO/NCTE/APS01894/B.Ed./{kA}/2021/127515-7822 dated 29.07.2021. of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The Institution was issued a Final Show Cause Notice (FSCN) on dated; 05 November 2020. The institution has submitted a representation dt. 18.11.2020 requesting to submit the documents up to 08.12.2020 but the institution failed in submission of

its reply with all relevant documents asked under Final Show Cause Notice dt. 05.11.2020 till date.”

II. SUBMISSIONS MADE BY APPELLANT:-

The representative, **SDM Trusts, B.Ed. College Terdal**, 4725, Terdal, Ramkavi Road, Jamkhandi, Bagalkot, Karnataka-587312 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal Memoranda it was submitted that “As per Final Show Cause Notice. F. No. SRC/NCTE/APSO1894/B.Ed./KA/2020/120521 dt: 05.11.2020 observations noted were clarified with all relevant documents, submitted by speed post on 24.11.2020. The post reached NCTE office New Delhi on 04.12.2020 within the stipulated date i.e., date: 08.12.2020. Speed Post-delivery track report and the email report is enclosed. Further in this regard we have sent request letter on dt: 28.07.2021, Then 1st reminder on dt: 29.07.2021, 2nd reminder on dt: 16.08.2021 and 3rd reminder on dt: 11.09.2021. But till date we have not received any reply from your end. Kindly once again requesting you to consider our reply to your Final Show Cause Notice apart from that, as mentioned in your NCTE letter no. SRO/NCTE/APSO1894/B.Ed./KA/2021/127815-7822. Dt: 29.07.2021, the copy to the principal and the secretary copies have not reached till date, even we have not received any reply through email also. During our casual going through your website, we came to know the letter dated: 29 July 2021. So, we are applying for online appeal. Kindly do the needful and continue our permission for the academic year 2021-22 onwards.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a **Writ Petition No. 104616 OF 2021 (EDN-REG)** in the **Hon'ble High Court of Karnataka Dharwad Bench Dated This The 23rd Day of December 2021** directed as under:-

“Having regard to the exigency, it would be appropriate to direct respondent No.2-Council to take up the appeal submitted by the petitioner for consideration on 27.12.2021 subject to petitioner submitting an appeal in printed format with the appellate authority of respondent No.2-Council on 27.12.2021 and if such an appeal is filed in printed format, the appellate authority is required to consider the request of the

petitioner for grant of appropriate interim orders. It is expected that the appellate authority will pass appropriate orders on the request of the petitioner to grant appropriate orders before 31.12.2021. With this observation, the writ petition is disposed of. In view of disposal of the writ petition pending interlocutory applications, if any, do not survive for consideration and are dismissed accordingly”.

2. Appellant in its submission during the appeal presentation stated that required documents were submitted to SRC through Speed Post and email. Appeal Committee noted that appellant institution after issue of impugned order of withdrawal dated 29.07.2021 has filed a Writ Petition no. 104616 of 2021 in the High Court of Karnataka Dharwad Bench and the Hon'ble High Court by its order dated 23.12.2021 has directed the appellate authority to consider the appeal and issue of appropriate order before 31.12.2021. The Appeal filed by appellant was taken up for consideration by the Appellate Authority on 06.01.2022.

3. Appeal Committee pursued the regulatory file and noted that SRC had issued a Show Cause Notice (SCN) dated 08.11.2019 which was common to a number of institutions. By this Show Cause Notice appellant institution which is already recognised for conducting B.Ed. programme was required to submit land and building documents alongwith information on some other points.

4. Appeal Committee noted that appellant institution by its letter dated 27.11.2019 received in the office of SRC on 04.12.2019 submitted land and building documents. It is also pertinent to note that appellant was granted initial recognition to conduct B.Ed. programme in the year 2004 and subsequently, on request of Change of premises, was inspected in November 2016.

5. Appeal Committee noted that a Final Show Cause Notice (FSCN) dated 05.11.2020 was issued to appellant institution and the impugned order dated 29.07.2021 is on the ground that appellant has not submitted relevant documents as asked in the FSCN dated 05.11.2020.

6. Appeal Committee noted that Final Show Cause Notice dated 05.11.2020 did not list the documents required in the earlier Show Cause Notice dated 08.11.2019. SRC therefore, ought to have examined the documents submitted by appellant by its letter dated 08.11.2019.

7. Appeal Committee noted that impugned order of withdrawal dated 29.07.2021 withdrawing recognition from academic session 2021-22 was not in consonance of the proviso 2 of Section 17 (1) of the NCTE Act.

8. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 4382/2021 has observed as follows: -

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

9. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 7260/2021 has observed as follows:-

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

10. Appeal Committee decided to set aside the impugned order of withdrawal dated 29.07.2021. Appeal Committee further decided to remand back the case to SRC, for revisiting the matter.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 29.07.2021. Appeal Committee further decided to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, SDM Trusts, B.Ed. College Terdal, 4725, Terdal, Ramkavi Road, Jamkhandi, Bagalkot, Karnataka-587312
2. The Secretary, Ministry of Education, 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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-313/E-227191/2022Appeal/1st Meeting, 2022
APPLSRC202114174

SPMS College of Physical Education, Raibag 470, Belgaum, Karnataka-591317 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Trikal Patil, (President)
Respondent by	Regional Director, SRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **SPMS College of Physical Education**, Raibag 470, Belgaum, Karnataka-591317 dated 25.10.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP201630123/M.P.Ed/2021/128423 dated 27.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting M.P.Ed. Course on the grounds that “The building plan submitted by the institute is neither legible nor approved by the competent authority. The institute had submitted a copy of letter dt. 13.03.2018 vide which 1 Principal and 7 Faculty has been approved. The institute had not submitted latest approval of faculty issued by the affiliating body. The institute did not appoint two Associate Professors for B.P.Ed. course as stipulated under para 5.1 of Appendix 7 of NCTE Regulations, 2014. The institute also not appointed part time faculty for B.P.Ed. course as stipulated under para 5 of

Appendix 7 of NCTE Regulations, 2014. The institute did not submit original affidavit and only notarized copy of the same is submitted. The institute had not submitted the approval of faculty appointed for M.P.Ed. course. The institute did not submit English translated copy of NEC. The Website of the institute is not updated with the information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Trikal Patil, (President), SPMS College of Physical Education, Raibag 470, Belgaum, Karnataka-591317 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that “Our M.P.Ed. course was granted recognition by SRC on 03.03.2018 under Regulations 2014. We have submitted the approved Building Plan during obtaining recognition 3 years back. We are submitting herewith the approved Building Plan duly approved by the Raibag Rural Panchayat for kind consideration of Appeal Committee. We are submitting herewith the approved staff list as per the requirements of NCTE Regulations 2014 for kind consideration of the Appeal Committee. It is to humbly submit that our institution has Associate Professors from the year 2010 itself. We are submitting herewith the approved staff list for kind consideration. It is to humbly submit that the University did not consider the part time staff for approval. As NCTE Regulations has stipulated Part Time staff, we have included in the staff list and requested the University to approve the complete staff list. Now we have obtained approval of the staff list and the same is submitted for kind consideration. We have submitted the Notarized copy of the Affidavit to SRC. We were not aware that Original Affidavit needs to be submitted. Now we are submitting the Original Affidavit separately for B.P.Ed. course and M.P.Ed. courses for kind consideration. As submitted above, the staff list was submitted to the Rani Channamma University for approval. As we had to reply within 21 days to SRC, we could not submit the staff approval intime. Now we have obtained the staff approval from Registrar, Rani Channamma University as per the requirements of NCTE Regulations and submitted herewith the kind consideration. It is to submit that some of the information in the NEC were in English. As such completely translated English version was not submitted. Now we are submitting herewith the Original NEC and English translated version with Notary attestation for kind consideration. Our institution is having exclusive website for B.P.Ed. and M.P.Ed. courses. Our website is [www. Spmcoper.org](http://www.Spmcoper.org). The website is being updated from time to time. Now we

have all the updated information on the website. Copies of the website information is submitted herewith for kind consideration.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is conducting B.P.Ed. programme since 2007 and M.P.Ed. programme since 2018 and recognition for both the courses has been withdrawn by issue of a common impugned order 27.08.2021 from academic session 2021-22 which is not in consonance of proviso 2 of Section 17 (1) of the NCTE Act which lays down that whenever recognition is withdrawn it shall be from the academic session following next to the date of communication of the withdrawal order.

2. Appeal Committee further noted that appellant with its appeal Memoranda has submitted (i) separate list of faculty for M.P.Ed. and B.P.Ed. programmes duly approved by affiliating University in the year 2021, (ii) Building Plan, (iii) Original affidavit, (iv) Non-Encumbrance Certificate, (v) Print out of website pages.

3. Appellant institution is required to submit to SRC within 15 days of the issue of Appeal Order, originals/copies of the all the documents which have been submitted by it with its appeal memoranda.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 4382/2021 has observed as follows: -

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 7260/2021 has observed as follows:-

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The

institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

6. Appeal Committee decided to set aside the impugned order of withdrawal issued by SRC and remand back the case to SRC for revisiting the matter.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal issued by SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, SPMS College of Physical Education, Raibag 470, Belgaum, Karnataka-591317
2. The Secretary, Ministry of Education, 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.

(12)



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**F. No. 89-314/E-227195/2022Appeal/1st Meeting, 2022
APPLSRC202114187**

Hindu College of Education D.El.Ed., No. 16 Main Road. Guntur, Village Guntur bazaar, Guntur Andhra Pradesh - 522003 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	
Respondent by	Regional Director, SRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Hindu College of Education D.El.Ed.**, No. 16 Main Road. Guntur, Village Guntur bazaar, Guntur Andhra Pradesh -522003 dated 15.11.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTEREG1018/119/2021/Regulation Selection SRC/AP/120711 dated 05.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that *“The committee perused the letter dt. 25.03.2021 issued by the School Education Department, Govt. of Andhra Pradesh establishing the violation made by 417 TEIs (list enclosed as Annexure ‘A’ t this minutes). These TEIs have made admissions into D.El.Ed. course during 2018-19 on their own without adhering the rules and regulations. Therefore, the Govt. of Andhra Pradesh in this instant letter recommended SRC, NCTE to de-recognize these TEIs henceforth. The Committee discussed*

the issue in detail and decided to direct the Regional Director that instead of sending individual Show Cause Notice to all the 417 TELs to save time particularly in the context of COVID-19 pandemic, all the TELs to be recognized be uploaded on SRC, NCTE's website alongwith the 13 points schedule asking the managements to furnish the information top the points included in the 13 point schedule within 21 days either online or by post treating it as a Show Cause Notice. Accordingly, Process the withdrawal of recognition as desired by the Govt. of Andhra Pradesh. The committee discussed the matter pertaining to the withdrawal of recognition to the TELs offering D.El.Ed. programme in Andhra Pradesh as desired by the School Education Department, Govt. of Andhra Pradesh. It is resolved to withdraw the recognition of all such TELs who have failed to respond to the notice (published on the NCTE website) and also sent to the TELs through e-mail."

II. SUBMISSIONS MADE BY APPELLANT:-

The representative of **Hindu College of Education D.El.Ed.**, No. 16 Main Road, Guntur, Village Guntur bazaar, Guntur Andhra Pradesh -522003 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that "Appellant had given explanation dated 21.02.2021 to the Show Cause Notice dated 20.01.2021 issued by the respondent received on 15.02.2021 through post. The explanation was given directly to the respondent by hand and obtained acknowledgement. The respondent recommended withdrawal of recognition of D.El.Ed program to the appellant to SRC, National Council for Teacher Education. Thereupon, the SRC, NCTE issued show cause notice under section 17 of the NCTE Act, 1993 dated 18.08.2021 and the same was received through mail by the appellant on 24.08.2021. the appellant was given 21 days' time to give reply to the said show cause notice. Accordingly, the appellant sent the reply through mail on 06.09.2021 and sent the hard copy on 07.09.2021 through speed post and the same was received by the SRC, NCTE on 13.09.2021. thus, it is clear that the appellant responded promptly and gave reply to show cause notice well within time of 21 days of receipt of notice. The Appellant humbly submits that it received an order dated 05.10.2021 from SRC, NCTE to the effect that it withdraws the recognition granted to 378 institutions (which includes the appellant institutions) which have not submitted reply to show cause notice out of 417 colleges for conduction D.El.Ed. programme of 2years durations with effect from the academic session i.e., 2021-2022. The appellant's name was appearing at Sl. No. 108 of the list of institutions mentioned in the order. On the face of it

the conclusion of SRC, NCTE to the effect that no. reply was given to the show cause notice by the appellants is incorrect. We are enclosing herewith the proofs of the notices received from the authorities and reply sent. The SRC, NCTE should not have passed the order withdrawing the recognition granted to the appellant institution."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and noted that main ground of withdrawal of recognition to conduct D.El.Ed. programme emerged from a letter dated 25.03.2021 issued by the School Education Department, Government of Andhra Pradesh stating that a number of institution including the appellant institution without adhering to the rules and regulations have made admissions in D.El.Ed. course during 2018-19. The School Education Department of Govt. of Andhra Pradesh taking the matter as violation of rules relating to admission of students in D.El.Ed. course recommended to NCTE to de-recognise such institutions.

2. Appeal Committee noted that School Education Department of the State Government is the affiliating body so far as admissions to the course and examinations are concerned, the role of affiliating body and its recommendations are very important. It is therefore, binding on the institutions conducting D.El.Ed. programme to adhere to the norms and standards laid down by State Government in matter of admission, examination, appointment of faculty and payment of salary as per standards and pay scale approved by the state government.

3. Appeal Committee noted that institutions conducting D.El.Ed. programme should stay turned with the instructions issued by State Government from time to time in matter relating to admissions and examinations and in case there is a controversy the same shall be resolved amicably. The recommendations of State Government who is an important stake holder cannot be ignored. Till the appellant institution gets a clearance from the affiliating body, the impugned order of withdrawal dated 05.10.2021 stays confirmed.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 05.10.2021.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Hindu College of Education D.El.Ed., No. 16 Main Road. Guntur, Village Guntur bazaar, Guntur Andhra Pradesh -522003
2. The Secretary, Ministry of Education, 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.

13



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-315/E-227200/2022Appeal/1st Meeting, 2022
APPLSRC202114186

St. Mary's Shikshan Mahavidyalaya, 19/1 Chitradurga, Fort Road K B Extension, Chitradurga Karnataka-577501 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Raghavendra (Administrator)
Respondent by	Regional Director, SRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **St. Mary's Shikshan Mahavidyalaya, 19/1 Chitradurga, Fort Road K B Extension, Chitradurga Karnataka-577501** dated 13/11/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO2287/B.Ed./{KA}/2021/128999** dated 01.11.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted photocopy of Lease Deed in which survey no. is not mentioned. The institution has submitted photocopy of Land Use Certificate which is stamped in regional language and survey no. is not mentioned. The institution has submitted photocopy of Building Plan, which is not approved. Survey no. and site area are not mentioned and, area of multipurpose hall is not legible in it. The institution has not submitted latest faculty list along with approving letter issued by the affiliating body. The institution has still not submitted Form "A" issued by the Branch Manager with the photocopy of two FDRs in favour

of NCTE. The institution has not submitted an affidavit clearly stating status about land, building and management (Society/Trust) at the time of recognition. The website of the institution is not updated with the information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Raghavendra (Administrator), St. Mary's Shikshan Mahavidyalaya, 19/1 Chitradurga, Fort Road K B Extension, Chitradurga Karnataka-577501 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that “The institution has submitted photocopy of Lease Deed in which survey no. is mentioned. The institution has submitted photocopy of Land Use Certificate. The institution has submitted latest Building Plan. The institution has submitted latest faculty list along with approving letter issued by the affiliating body. The institution has submitted Form “A” issued by the Branch Manager with the photocopy of two FDRs in favour of NCTE. The institution has submitted affidavit. All Documents Uploaded.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and observed that appellant with its appeal memoranda has submitted copies of documents which include, (i) Notarised copies of registered lease deeds, (ii) Building Plan, (iii) Site Plan, (iv) FDRs, (v) Form ‘A’, (vi) Faculty list, (vii) Website pages.

Appeal Committee noted that Survey number is mentioned in the schedule of lease deed which is operative for a period of 30 years from 06.01.2007. Appeal Committee also noted that appellant institution is conducting B.Ed. course since 2004.

2. Appeal Committee noted that the Hon’ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 4382/2021 has observed as follows: -

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

3. Appeal Committee noted that the Hon’ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 7260/2021 has observed as follows:-

“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

4. Appeal Committee decided that appellant institution is required to submit authenticated copies of these documents to SRC within 15 days of the issue of appeal orders. Appeal Committee further decided to set aside the impugned withdrawal order and remand back the case to SRC for revisiting the matter.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to set aside the impugned withdrawal order and remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, St. Mary's Shikshan Mahavidyalaya, 19/1 Chitradurga, Fort Road K B Extension, Chitradurga Karnataka-577501
2. The Secretary, Ministry of Education, 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.



(14)

IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-316/E-227348/2022Appeal/1st Meeting, 2022
 APPLSRC202114189

Visveswaraya B.Ed. College, Bhadravathi, 462, New Bridge Road, Shimoga, Karnataka – 577301 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Rakesh S.P. (Administrative Officer)
Respondent by	Regional Director, SRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of **Visveswaraya B.Ed. College, Bhadravathi, 462, New Bridge Road, Shimoga, Karnataka - 577301** dated 18/11/2021 filed under Section 18 of NCTE Act, 1993 is against the Order NoF.SRO/NCTE/APSO8294/B.Ed./{KA}/2021/128971 dated 01.11.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Faculty list is dated on 29/05/2017 approved by authority is invalid. The institution is submitted translated copy of land documents. In the non-encumbrance certificate survey, no is not mentioned. The institution is submitted building plan and multipurpose hall is not sufficient."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Rakesh S.P. (Administrative Officer), Visveswaraya B.Ed. College, Bhadravathi, 462, New Bridge Road, Shimoga, Karnataka - 577301 appeared online to present the case of the appellant institution on 06.01.2022. In the appeal it is submitted that "Latest faculty list approved by registrar dated on 21/07/2021 is enclosed as per latest NCTE 2017 norms. The institution is submitting own land documents notarized copies is enclosed. Latest non encumbrance certificate of year 2021 with survey no. Katha no. is enclosed. The institution is submitting building plan with hall approved by the approving authority is enclosed as per the 2014 norms of NCTE."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since academic session 2004-05 and with its Appeal Memoranda has submitted following documents which were found to be deficient as per impugned order of withdrawal dated 01.11.2021,

- (i) Building Completion Certificate issued by Asst. Executive Engineer PWD Bhadravathi.
- (ii) Non-Encumbrance Certificate dated 29.06.2021
- (iii) List of faculty approved on 21.07.2021
- (iv) Building Plan & Site Plan

Further to above documents found enclosed with the appeal Memoranda, appellant has submitted online copy of land documents.

2. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 4382/2021 has observed as follows: -

"Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 7260/2021 has observed as follows:-

"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in

law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

4. Appeal Committee noted that impugned order of withdrawal dated 01.11.2021 is also not sustainable as recognition withdrawn on 01.11.2021 from academic session 2021-22 is not in consonance of proviso 2 of Section 17 (1) of the NCTE Act.

5. Appeal Committee decided that appellant institution is required to submit to SRC within 15 days of the issue of appeal order originals/Authenticated copies of all these documents. Appeal Committee further decided to set aside the impugned withdrawal order and remand back the case to SRC for revisiting the matter.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Visveswaraya B.Ed. College, Bhadravathi, 462, New Bridge Road, Shimoga, Karnataka – 577301
2. The Secretary, Ministry of Education, 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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 31/01/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-317/E-227569/2022Appeal/1st Meeting, 2022
APPLSRC202114173**

Shikshan Prasarak Mandals College of Physical Education, Raibag, 470 Raibag, Belgaum, Karnataka – 591317 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Mr. Trikal Patil, (President)
Respondent by	Regional Director, SRC
Date of Hearing	06/01/2022
Date of Pronouncement	31/01/2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Shikshan Prasarak Mandals College of Physical Education, Raibag, 470 Raibag, Belgaum, Karnataka - 591317** dated 25/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS07162/B.P.Ed./{KA}/2021/128423 dated 27.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that “The building plan submitted by the institute is neither legible nor approved by the competent authority. The institution had submitted a copy of letter dt. 13.03.2018 vide which 1 Principal and 7 Faculty has been approved. The institute had not submitted latest approval of faculty issued by the affiliating body. The institute did not appoint two Associate Professors for B.P.Ed. course as stipulated under para 5.1 of Appendix 7 of NCTE Regulations, 2014. The institute also not appointed part time faculty for B.P.Ed. course as

stipulated under para 5 of Appendix 7 of NCTE Regulations, 2014. The institute did not submit original affidavit, only notarized copy of the same is submitted. The institute had not submitted the approval of faculty appointed for M.P.Ed. course. The institute did not submit English translated copy of NEC. The Website of the institute is not updated with the information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Trikal Patil, (President), Shikshan Prasarak Mandals College of Physical Education, Raibag, 470 Raibag, Belgaum, Karnataka – 591317 appeared online to present the case of the appellant institution on 06/01/2022. In the appeal it is submitted that “B.P.Ed. course was granted recognition by SRC on 03.03.2018 under Regulations 2014. We have submitted the approved Building Plan during obtaining recognition also 3 years back. We are submitting herewith the approved Building Plan duly approved by Raibag Rural Panchayat for kind consideration of Appeal Committee. It is to humbly submit that our institution had submitted the staff list to the Rani Channamma University for approval. As SRC has given only 21 days’ time to submit reply, we had sent the old approval list. Now the approved staff list from the Rani Channamma University has been received. We are submitting herewith the approved staff list as per the requirements of NCTE Regulations 2014 for kind consideration of the Appeal Committee. It is to humbly submit that our institution has Associate Professors from the year 2010 itself. It is to humbly submit that the University did not consider the part time staff for approval. As NCTE Regulations has stipulated Part Time staff, we have included in the staff list and requested the University to approve the complete staff list. Now we have obtained approval of the staff list and the same is submitted for kind consideration. We are submitting the Original Affidavit separately for B.P.Ed. course and M.P.Ed. courses for kind consideration. We have obtained the staff approval from the Registrar, Rani Channamma University as per the requirements of NCTE Regulations and submitted herewith for kind consideration. It is to submit that some of the information in the NEC were in English. As such completely translated English version was not submitted. Now we are submitting herewith the Original NEC and English translated version with Notary attestation for kind consideration. Our institution is having exclusive website for B.P.Ed. and M.P.Ed. courses. Our website is www.spmcoper.org the website is updated from time to time. Copies of the website information is submitted herewith for kind consideration.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is conducting B.P.Ed. programme since 2007 and M.P.Ed. programme since 2018 and recognition for both the courses has been withdrawn by issue of a common impugned order 27.08.2021 from academic session 2021-22 which is not in consonance of proviso 2 of Section 17 (1) of the NCTE Act which lays down that whenever recognition is withdrawn it shall be from the academic session following next to the date of communication of the withdrawal order.

2. Appellant institution is required to submit to SRC within 15 days of the issue of Appeal Order, originals/copies of the all the documents which has been submitted by it with its appeal memoranda.

3. Appeal Committee further noted that appellant with its appeal Memoranda has submitted (i) separate list of faculty for M.P.Ed. and B.P.Ed. programmes duly approved by affiliating University in the year 2021, (ii) Building Plan, (iii) Original affidavit, (iv) Non-Encumbrance Certificate, (v) Print out of website pages.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 4382/2021 has observed as follows: -

“Appellate Committee of NCTE, is directed to ensure that, whenever an order of remand is passed, the status of the impugned is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, passed in W.P. (C) 7260/2021 has observed as follows:-

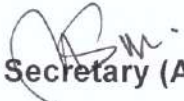
“Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed.”

6. Appeal Committee decided to set aside the impugned order of withdrawal issued by SRC and remand back the case to SRC for revisiting the matter.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal issued by SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Shikshan Prasarak Mandals College of Physical Education, Raibag, 470 Raibag, Belgaum, Karnataka – 591317
2. The Secretary, Ministry of Education, 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.