



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-11/E-328932/2024/Appeal/4th Meeting, 2024
APPLERC202414754

Jagannath Jain College, Department of Education, J, Kanungobigha, 64, 65, 66, 74, 75, 76, 82-89, 92, 93, 99, 101- 102, 11-116, Karma, Ranchi Patna Road, Jhumri Telaiya, Koderma, Jharkhand-825409	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Sanjay Kumar, HoD, Department of Education
Respondent by	Regional Director, ERC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of Jagannath Jain College, Department of Education, J, Kanungobigha, 64, 65, 66, 74, 75, 76, 82-89, 92, 93, 99, 101-102, 11-116, Karma, Ranchi Patna Road, Jhumri Telaiya, Koderma, Jharkhand-825409 dated 19.01.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/ERC/2425202305181587/JHARKHAND/2023/REJC/464** dated 13.06.2023 of the Eastern Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per Public Notice dated 27.04.2023 issued by the NCTE (HQ), only the Central/State Government Universities, Institutes of Eminence and Institutions of National Importance can apply for 2nd phase of Pilot of Integrated Teacher Education Programme (ITEP) for the Academic session 2024-25. However, this institution doesn't fall any of these categories hence not eligible to apply. In view of the above, the Committee decided that the application of the institution for ITEP, being illegible, cannot be processed and be rejected under section 14/15 of the NCTE Act, 1993."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Sanjay Kumar, HoD, Department of Education of Jagannath Jain College, Department of Education, J, Kanungobigha, 64, 65, 66, 74, 75, 76, 82-89, 92, 93, 99, 101-102, 11-116, Karma, Ranchi Patna Road, Jhumri Telaiya, Koderma, Jharkhand-825409 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that "This college a constituent unit of Vinoba Bhave University, Hazaribag."

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution had submitted an application to the Eastern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 23.05.2023. The recognition of the institution for ITEP programme was refused by the ERC vide order dated 13.06.2023.

The instant matter was placed in its 4th Meeting, 2024 held on 23.02.2024 and the Appeal committee observed that the institution had applied for ITEP Programme for the academic year 2024-25 in terms of Public Notice dt. 27.04.2023 and the application of the institution was refused vide order dated 13.06.2023. The Committee perused the public notice dated 27.04.2023 issued by the NCTE (Hqrs.), wherein it was stated that only the Central/State Government Universities, Institutes of Eminence and Institutions of National Importance can apply for the academic session 2024-2025.

The Appeal Committee further observed that the General Body (GB) of the NCTE in its 56th Meeting, the following decision has been taken for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25: -

- i. **The Council approved the proposal and granted permission for inviting online applications for 2nd Pilot Phase of ITEP for the academic session 2024-25 from the institutions. As per Regulation 2021, the ITEP shall be implemented in a phase-wise manner starting from piloting in multidisciplinary HEIs/TEIs and thereby country wise expansion as per NEP 2020-time frame. Therefore, the institutions fulfilling the eligibility criteria, mentioned above, would be eligible to apply for the 2nd Pilot phase of ITEP for the academic session 2024-25.**
- ii. **The Eligibility Criteria for Selection and the Shortlisting Criteria for Processing of Applications, as proposed, was also approved.**
- iii. **The Council further decided that the online portal for inviting applications for the 2nd Pilot Phase of ITEP for the academic session 2024-25 be opened accordingly.**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution alongwith the Appeal Report, documents on record and oral arguments advanced during the online hearing on 23rd February 2024. The Appeal Committee noted that the appellant institution had applied for 2nd phase of pilot of ITEP for academic session 2024-2025. However, the Appellant Institution does not

fulfill the criteria as per the Public Notice dated 27.04.2023 issued by the NCTE Hqrs. Hence, the Appeal Committee concluded that the ERC was justified in refusing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned refusal order dated 13.06.2023 issued by ERC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, the Appeal Committee of the Council concluded that the ERC was justified in refusing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned refusal order dated 13.06.2023 issued by ERC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Jagannath Jain College, Department of Education, J, Kanungobigha, 64, 65, 66, 74, 75, 76, 82-89, 92, 93, 99, 101-102, 11-116, Karma, Ranchi Patna Road, Jhumri Telaiya, Koderma, Jharkhand-825409.
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, Department of Higher and Technical Education (In charge Teacher Education), Government of Jharkhand, Nepal house, Yojna Bhawan, 3rd Floor, Jharkhand.



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G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-220/E-323584/2023/Appeal/4th Meeting, 2024
APPLSRC202013842

Aadi Lakshmi College of Education, 120/2, Pithapuram, Navakhandavada, East Godavari, Andhra Pradesh-533450	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Ch. Surya Rao, Administrative Officer
Respondent by	Regional Director, SRC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

आदेश / ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Aadi Lakshmi College of Education, 120/2, Pithapuram, Navakhandavada, East Godavari, Andhra Pradesh-533450** dated 04.12.2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APS09536/B.Ed./AP/2020/120014-120020** dated 21.10.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has filed in submission of written representation alongwith required documents in response to Last Reminder (Letter)."

II. SUBMISSIONS MADE BY APPELLANT: -

Ch. Surya Rao, Administrative Officer of Aadi Lakshmi College of Education, 120/2, Pithapuram, Navakhandavada, East Godavari, Andhra Pradesh-533450 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that "We received letter from NCTE - SRC, Delhi with F. No. SRC / NCTE / APS09536 / B.Ed. / AP / 2019/ 112490 dt. 05.12.2019 by our institution on 09.12.2019. We have sent reply letter on 16.12.2019 with written representation and original latest faculty list approved by affiliating university AP, but the recognition committee did not peruse our reply letter and original latest staff approval of affiliating university, AP. We request you kindly reinstate my recognition order in original position, otherwise our management and staff and students will be put to serious and irreparable loss."

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of one-year duration with an annual intake of 100 students vide order dated 01.01.2008. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 13.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 20.03.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units) from the academic session 2015-16. The institution submitted written representation on 12.10.2015 requesting for reduction of strength from 2 units to 1 unit in its B.Ed. course. Accordingly, order for reduction of strength from 2 units to 1 unit issued on 24.10.2015. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 21.10.2020.

The institution has filed W.P. No. 1901/2022 before the Hon'ble High Court of Andhra Pradesh and vide order dated 17.11.2023 has passed the order as the following: -

"...5. Therefore, in view of the above and with a view to put an end to the litigation, this Court feels it appropriate to direct the petitioner to submit two hard copies of uploaded appeal to the respondents, within a period of two (2) days from today and on receipt of the same, respondents No.3 and 4 shall pass appropriate orders, within a period of one week thereafter.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed."

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 15th Meeting, 2023 held on 05.12.2023 whereby the Appeal Committee decided to grant 2nd Opp. to the institution and the appellate institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again placed in 1st Meeting, 2024 held on 11.01.2024. The appellant institution did not appear online to present its case before Appellate Authority on 11.01.2024 and as such the Appeal



Committee as per extant appeal rules decided to grant another (3rd/Final) opportunity to appellant institution to present its case before Appellate Authority.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant one more opportunity to the institution and the institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again placed in its 3rd Meeting, 2024 whereby the Appellant institution informed the Appeal Committee during the online hearing that the Appellant institution has sent all the requisite documents through mail as well as through courier services. However, the hard copies of the documents have not received till the date of the hearing. In view of the above, the Appeal Committee decided to defer the matter of appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.

The instant matter again placed in its 4th Meeting, 2024 whereby the Appellant institution informed the Appeal Committee during the online hearing that the Appellant institution has submitted the faculty list before the Appellate Committee. Further, the institution has sent a letter dated 21.02.2024 in which the institution has stated the following:

“...2 the proceedings regarding the selection of all the faculty members by the selection committee duly constituted and approved by the competent authority of the affiliating University/body has not issued any proceeding for all B.Ed. colleges including our Institution. But only circular for staff ratification has issued on 25.01.2024, till now the University is not mentioned schedule for staff ratification for 2023-24.”

In view of above, Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 21.10.2020 issued by SRC is confirmed.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 21.10.2020 issued by SRC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Aadi Lakshmi College of Education, 120/2, Pithapuram, Navakhandavada, East Godavari, Andhra Pradesh-533450.**
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, Andhra Pradesh State Council of Higher education (In charge Teacher Education), Government of Andhra Pradesh, 3rd, 4th and 5th floors, Neeladri Towers, Sri Ram Nagar, 6th Battalion Road Atmakur(V), Mangalagiri(M), Guntur-522503, Andhra Pradesh.**



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

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जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-159/E-257539/2022 Appeal/4th Meeting, 2024
APPLERC202214387

Nabakrushna Choudhury College of Teacher Education, 1527,1531,1532, 1652, 1564, Hakimpada, Angul, Odisha- 759122	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Droupadi Patel, Principal In-charge
Respondent by	Regional Director, ERC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Nabakrushna Choudhury College of Teacher Education, 1527,1531,1532, 1652, 1564, Hakimpada, Angul, Odisha-759122 dated 19.05.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No. ER-284.12 / APE00448 / M.Ed. / 2020 / 63065 dated 28.09.2020 of the Eastern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "Final Show Cause Notice issued on 27.01.2020 and no reply has been received as on date. Hence, M.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2021-22."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Droupadi Patel, Principal In-charge of Nabakrushna Choudhury College of Teacher Education, 1527,1531,1532, 1652, 1564, Hakimpada, Angul, Odisha-759122 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that "List of teaching faculty has been approved by the concerned affiliating body/institution website updated."

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course of one year duration with an annual intake of 25 students from the academic session 2005-2006 vide order dated 23.06.2005. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 students from the academic session 2015-2016. The recognition of the institution for M.Ed. programme was withdrawn by the ERC vide its order dated 28.09.2020.

The Appeal Committee noted that the **ERC** had withdrawn the recognition of the appellant institution vide order dated 28.09.2020 against which the appellant institution has preferred an appeal dated 19.05.2022 and same was rejected by the Appeal Committee vide order dated 11.01.2023 on the grounds that: -

“The Appeal Committee in its 11th meeting held on 29.12.2022 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) **The institution failed to submit faculty list as per provisions of the NCTE Regulations, 2014.**

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 28.09.2020 issued by ERC is 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 that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 28.09.2020 issued by ERC is confirmed.”

The petitioner institution has filed a **W.P.(C) 1383/2024** before the Hon’ble High of Delhi at New Delhi against the Appeal Order dated 11.01.2023 i.e., rejecting the appeal of the appellant institution. The Hon’ble Court vide order dated **08.02.2024** directed as under: -

“...7. As a result, the impugned order dated 11 January 2023 is quashed and set aside. The appeal preferred by the petitioner is remanded for reconsideration to the Appellate Committee.

8. The Appellate Committee is directed to take a decision on the petitioner's appeal as expeditiously as possible and if possible, within two weeks of the holding of its next meeting.

9. Needless to say, the rights of the petitioner to seek legal remedy, if it continues to be aggrieved by the order passed by the Appellate Committee stands reserved.

10. This writ petition is allowed to the aforesaid extent, with no order as to costs.

CM APPL.5717/2024

11. This application does not survive for consideration and stands disposed of.”



The instant matter was placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 and during the online hearing the Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of Faculty list (1+10) members approved by the affiliating University i.e., Utkal University, Vani Vihar, Bhubaneswar as per provisions of NCTE Regulation, 2014.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 28.09.2020 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal viz a viz the grounds mentioned in the order of withdrawal, required to be verified. **The ERC is required to verify the faculty list as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, 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."



Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, 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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 28.09.2020 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC **with a direction to verify the faculty list submitted in appeal.** The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC **with a direction to verify the faculty list submitted in appeal.** The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.



उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Nabakrushna Choudhury College of Teacher Education, 1527,1531,1532, 1652, 1564, Hakimpada, Angul, Odisha-759122.**
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, Department of Higher Education (In charge Teacher Education), Government of Odisha, Heads of Department, Bhubaneswar, Odisha-751017.



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जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-8/E-327363/2024 Appeal/4th Meeting, 2024
APPLERC202414752

Khalisani Basanti Teachers Academy, 495, 497, Khalisani Baganbati, Singur Road, Khalinsani, Singur, Hooghly, West Bengal-712138	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Apu Dawn, Member of Trustee
Respondent by	Regional Director, ERC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Khalisani Basanti Teachers Academy, 495, 497, Khalisani Baganbati, Singur Road, Khalinsani, Singur, Hooghly, West Bengal-712138** dated 11.01.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-336.52/NCTE/B.Ed./ERCAPP3926/WB/2024/69209** dated 30.01.2024 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i) The institution has not submitted the faculty list after issuance of SCN dated 09.04.2022. (ii) The institution has not submitted the original affidavit on Rs. 10/- non-judicial stamp paper by the individual faculty alongwith their educational qualification certificates. (iii) The website of the institution is www.kbtacademy.org. However, the institute website is not functioning and the additional information as per clause 7(14), 8(6), 10(3) of the NCTE Regulation 2014 and Clause 2 (C) of the NCTE Regulations is required to be uploaded.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Apu Dawn, Member of Trustee of Khalisani Basanti Teachers Academy, 495, 497, Khalisani Baganbati, Singur Road, Khalinsani, Singur, Hooghly, West Bengal-712138 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that “Copy attachment.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of two years duration with an annual intake of 100 seats (two basic units) from the academic session 2018-2019 vide order dated 03.03.2018. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 30.01.2024.



The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 3rd Meeting, 2024 held on 08.02.2024. The Appeal Committee observed that the appellant institution has not submitted the requisite documents with respect to the deficiencies pointed out in the Withdrawal Order. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (second) opportunity to the institution and the appellate institution was required to submit the documents mentioned therein.

The instant matter was placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 and the Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of approval letter along with the faculty list (1+16) members dated 24.03.2022 approved by the Registrar, the West Bengal University of Teachers' Training Education Planning and Administration along with copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience certificate of the Principal etc.
- (ii) A copy of statement of Salary Disbursement to the faculty in Affidavit.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 30.01.2024 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "Rambha College of Education V/s NCTE" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. **The ERC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**



Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, 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.”

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, 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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 30.01.2024 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Khalisani Basanti Teachers Academy, 495, 497, Khalisani Baganbati, Singur Road, Khalinsani, Singur, Hooghly, West Bengal-712138.**
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, Department of Higher (In charge Teacher Education), Government of West Bengal, Bikash Bhavan, Salt Lake City, (5th, 6th, 8th, 10th Floor) Kolkata - 700 091, West Bengal.**



एन सी टी ई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एन सी टी ई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-1/E-325862/2024 Appeal/4th Meeting, 2024
APPLWRC202314751

Pawana Shikshan Prasarak Mandal College of Physical Education, Plot No. JP-12 J Block Indrayaninagar M.I.D.C. Bho, Bhosari, Indrayaninagar Road, Haveli, Pune, Maharashtra-411026	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Lalit Balasaheb Langde, Secretary
Respondent by	Regional Director, WRC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

Langde

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Pawana Shikshan Prasarak Mandal College of Physical Education, Plot No. JP-12 J Block Indrayaninagar M.I.D.C. Bho, Bhosari, Indrayaninagar Road, Haveli, Pune, Maharashtra-411026 dated 25.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. No. WRC / OAPW00335 / 114138 / 292nd / 2018 / 198389 dated 02.06.2018 of the Western Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that “(i) The case file was seen. Consequent to the issue of Revised Recognition order, Show Cause Notice dated 16.08.2016 was issued for non-compliance. (ii) The institution vide reply dated 09.09.2016 has submitted the staff profile of 5 Assistant Professors, which is not as per Appendix-VII of NCTE Regulations, 2014. The staff profile is not approved by the Registrar. (iii) FDRs for additional Rs.7.00 lakhs in joint account not submitted in original. (iv) As per Building completion Certificate, built-up area is 998.2 sq. mts. which is grossly insufficient.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Lalit Balasaheb Langde, Secretary of Pawana Shikshan Prasarak Mandal College of Physical Education, Plot No. JP-12 J Block Indrayaninagar M.I.D.C. Bho, Bhosari, Indrayaninagar Road, Haveli, Pune, Maharashtra-411026 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that “(i) We are attaching the staff list along with the appointment of principal/teaching and non- teaching staff as per NCTE Rules and Regulation 2014 staff list is attached. (ii) Scan copy FDR Rs. 10 lakhs FDR no. 346802/Canara Bank dated 10/11/2023 is attached. (iii) The new Rules and Regulations of NCTE 2014 guidelines B.P.Ed. required 1500 Sqm construction, the institute had 998.91 sqm construction available and also had competition certificate. For the remaining 500 Sqm, the organization has completed the construction of 891.04 sqm as

per Government Authority Rules. Due to pandemic Covid-19 and lock-down building completion certificate is received on 07/12/2023 presently the institute has a total construction completion of 1889.95 sqm. However, it is kindly requested to consider the appeal and give permission to start B.P.Ed. course.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.P.Ed. course with an annual intake of 50 seats vide order dated 12.10.2001. Thereafter, on promulgation of NCTE Regulations, 2014 vide notification dt. 28.11.2014, the appellant institution offering B.P.Ed. course was informed via email/public notice to submit a duly notarized affidavit as an acceptance of the NCTE Regulations, 2014. The institution has submitted affidavit dt. 19.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.P.Ed. course of two years duration with an annual intake of 100 seats (one basic unit of 100 students) from session 2015-16. The recognition of the institution for B.P.Ed. course was withdrawn by the WRC vide order dated 02.06.2018.

The Appeal Committee noted that the instant matter was placed in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant another (second) opportunity to the institution and the appellate institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again placed in its 3rd Meeting, 2024 held on 08.02.2024 whereby the Appeal Committee noted that the institution has not submitted the requisite documents related to land, building and staff list. Moreover, the Committee observed during the online hearing that the Appellant

institution has submitted the staff profile of 1 Principal, 2 Associate Professors and 5 Assistant Professors, which is not as per Appendix-VII of NCTE Regulations, 2014.

The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (3rd/final) opportunity to the appellant institution and the appellate institution was required to submit the documents mentioned therein.

The instant matter again placed in its 4th Meeting, 2024 held on 23.02.2024 whereby the Appeal Committee observed that the institution had approached the Appellate Committee after the delay of 5 years, 4 months and 23 days. Moreover, the institution has failed to state any reasonable ground for such delay caused by the Appellant Institution for filing the Appeal before the Appellate Committee.

Furthermore, after perusing the documents submitted by the Appellant Institution, the Appeal Committee also noted that the institution has failed to submit the latest faculty list approved by the affiliating University.

In view of above, Appeal Committee concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.06.2018 issued by WRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.06.2018 issued by WRC is confirmed.



उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Pawana Shikshan Prasarak Mandal College of Physical Education, Plot No. JP-12 J Block Indrayaninagar M.I.D.C. Bho, Bhosari, Indrayaninagar Road, Haveli, Pune, Maharashtra-411026.**
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, Directorate of Higher Education (In charge Teacher Education), Government of Maharashtra, 411, Fourth Floor, Mantralaya Annex, Madam Cama Road, Nariman Point, Mumbai – 400032, Maharashtra.**



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-4/E-326554/2024 Appeal/4th Meeting, 2024
APPLNRC202314730

Aryans College of Education, 330(7-0), 332/1(3-12), 329(6-5), Chandigarh- Patiala Highway, Chamaru, Tehsil Rajpura, Patiala, Punjab-147001	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. (Mrs.) Anurag Dhiman, Principal
Respondent by	Regional Director, NRC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Aryans College of Education, 330(7-0), 332/1(3-12), 329(6-5), Chandigarh- Patiala Highway, Chamaru, Tehsil Rajpura, Patiala, Punjab-147001** dated 02.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No. NRC / NCTE / PB - 604, B.Ed. / 410th Meeting / 2023 / 223365** dated 22.09.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i) The institution has not submitted non-encumbrance certificate issued by the competent government authority. (ii) The institution has not submitted building safety certificate issued by the competent government authority. (iii) Certificate to the effect that the building is differently abled friendly from the competent government authority has not been submitted. (iv) The institution has submitted photocopy of building plan signed by the Private Architects. The building plan is not approved by the competent authority and also not legible. (v) The institution has submitted building completion certificate, but competent authority is not clear/ legible. (vi) The institution submitted a staff list but the same is not in the prescribed format. (vii) The staff list is not approved by the affiliating body as required under NCTE Regulations, 2014. (viii) As per affidavit, the staff appointed is not qualified as per Appendix 4 of NCTE Regulations, 2014. (ix) No proof of payment of salary for the last six months through bank account is submitted. (x) Photocopies of all FDRs submitted by the institution shows that the same are expired on 24.12.2013 and 24.12.2014, which needs renewal. (xi) Form ‘A’ issued by the concerned bank regarding FDRs towards Endowment and Reserve Funds not submitted. (x) Website of the institution is not updated as required under NCTE Regulations, 2014. (xi) The institution did not submit proof / evidence to prove that it is a multi-disciplinary institution as per clause 2(b) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. (Mrs.) Anurag Dhiman, Principal from Aryans College of Education, 330(7-0), 332/1(3-120, 329(6-5), Chandigarh- Patiala Highway, Chamaru, Tehsil



Rajpura, Patiala, Punjab-147001 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that “(i) I have both FDR (7,00,000 & 5,00,000). (ii) Issued by Sub-Registrar on 14.07.2010. (iii) Both approved by Sarpanch of Village and Architect. (iv) Approved by Punjabi University Patiala.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. course of one year duration with an annual intake of 100 students vide order dated 09.07.2010 from the academic session 2009-2010. In light of NCTE Regulations, 2014 a revised provisional recognition order was issued to the institution for conducting B.Ed. course of two years duration with an annual intake of two units (100 students) from the academic session 2015-2016 vide order dated 30.05.2015. The recognition of the institution for B.Ed. course was withdrawn by the NRC vide order dated 22.09.2023.

The Appeal Committee noted that the instant matter was placed in its 2nd Meeting, 2024 held on 25.01.2024 whereby the Appeal Committee decided to grant another (second) opportunity to the institution and the appellate institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the instant matter was again placed in its 3rd Meeting, 2024 held on 08.02.2024. The appellant institution did not appear online to present its case before Appellate Authority. Moreover, the Appeal Committee observed that the appellant institution has not submitted the requisite documents with respect to the deficiencies pointed out in the Withdrawal Order. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant last (final) opportunity to the appellant institution and the appellate institution was required to submit the documents mentioned therein.



The instant matter placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 whereby the Appeal Committee observed that the documents submitted by the Appellant Institution are not as per the NCTE Norms and Standards such as:

- (i) Building Completion Certificate is not duly approved by the Competent Authority.
- (ii) The institution has submitted two faculty list:-
 - (a) First staff list is dated 27.10.2023 in which there are total 5 faculty members and out of which Sl. No. 4 & 5 i.e. Mrs. Usha Rani and Mrs. Naresh Devi were not approved by the Punjabi University as they had to undergo Punjabi Exam within one year from the selection date.
 - (b) Second staff list is dated 17.02.2024 which is not duly approved by the Competent Authority of the Affiliating Body.

In view of above, Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 22.09.2023 issued by NRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 22.09.2023 issued by NRC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Aryans College of Education, 330(7-0), 332/1(3-12), 329(6-5), Chandigarh- Patiala Highway, Chamaru, Tehsil Rajpura, Patiala, Punjab-147001.
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, Department of Higher Education (In charge Teacher Education), Government of Punjab, Vidya Bhawan, 7th Floor, Phase-8, Ajitgarh (Mohali)-160062, Punjab.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-222/E-323500/2023 Appeal/4th Meeting, 2024
APPLERC202314731

Gobindapur Sephali Memorial Primary Teachers Training Institute, 1835, Gobindapur, Guskara to Bolapur, Keleti, Aushgram, Burdwan, West Bengal-713128	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Rajdeep Khan, Assistant Professor
Respondent by	Regional Director, ERC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

आदेश / ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Gobindapur Sephali Memorial Primary Teachers Training Institute, 1835, Gobindapur, Guskara to Bolapur, Keleti, Aushgram, Burdwan, West Bengal-713128** dated 07.11.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No. ER-333.12 / NCTE / ERCAPP3851 / B.Ed. / WB / 2023 / 68981** dated 19.10.2023 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i) The institution has not submitted the valid Fire Safety Certificate issued by the Competent Government Authority. (ii) The institution has not submitted the latest faculty list duly approved by the affiliating body as per NCTE Regulations, 2014. (iii) The institution website is www.gsmptti.com which is not maintained and updated as per clause 7(14), 8(6), 10(3) of the NCTE Regulation, 2014 and Clause 2(C) of the NCTE Regulation dated 28.04.2017.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Rajdeep Khan, Assistant Professor of Gobindapur Sephali Memorial Primary Teachers Training Institute, 1835, Gobindapur, Guskara to Bolapur, Keleti, Aushgram, Burdwan, West Bengal-713128 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that “Fire Safety procedures were done already, and faculty interviews are ongoing with BSAEU. Six faculties already selected.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of two years duration with an annual intake of 100 seats (two basic units) from the academic session 2017-2018 vide order dated 02.05.2017.

The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 19.10.2023.

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 1st Meeting, 2024 & 2nd Meeting, 2024 held on 11.01.2024 & 25.01.2024 respectively whereby the Appeal Committee decided to grant another opportunity to the institution and the Appellate Institution was required to submit documents mentioned therein.

The Appeal Committee noted that the instant matter was again taken up by the Appellate Committee in its 3rd Meeting, 2024 whereby the Appellant institution informed the Appeal Committee during the online hearing that the Appellant institution has sent all the requisite documents through mail as well as through courier services. However, the hard copies of the documents have not received till the date of the hearing. In view of the above, the Appeal Committee decided to defer the matter of appellant institution with the direction to submit the aforesaid documents on or before next date of the Appeal Committee Meeting.

The instant matter placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 and the Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of faculty list (1+16) members approved by the Registrar (Actg), Baba Saheb Ambedkar University.
- (ii) A copy of the proceedings regarding selection of all the faculty members by the selection committee duly constituted and approved by the competent authority of the affiliating University/body.
- (iii) A Copy of certificates of B.Ed., M.Ed., Ph.D. and experience certificate of the Principal.
- (iv) A copy of statement of Salary Disbursement to the faculty in affidavit.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 19.10.2023 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in W.P(C). no. 3231/2016 titled "Rambha College of Education V/s NCTE" wherein the Hon'ble



Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, required to be verified. The ERC is required to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, 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.”

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, 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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 19.10.2023 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to verify the faculty list submitted in appeal from the concerned Affiliating University and also at is liberty to verify other documents from the concerned competent authority. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Gobindapur Sephali Memorial Primary Teachers Training Institute, 1835, Gobindapur, Guskara to Bolapur, Keleti, Aushgram, Burdwan, West Bengal-713128.
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, Department of Higher (In charge Teacher Education), Government of West Bengal, Bikash Bhavan, Salt Lake City, (5th, 6th, 8th, 10th Floor) Kolkata - 700 091, West Bengal.



एनसीटीई अपीलीय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-231/E-325203/2023 Appeal/4th Meeting, 2024
APPLSRC202314750

Rural B.Ed. College, 116, Aurad (B), Bidar, Karnataka-585326	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Dhanaji Rode, Correspondent
Respondent by	Regional Director, SRC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

Dhanaji Rode

आदेश/ ORDER

I. GROUNDS OF ORDER

The appeal of Rural B.Ed. College, 116, Aurad (B), Bidar, Karnataka-585326 dated 21.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. SRC / NCTE / APSO2404 / B.Ed. / 430th Mtg. / {KA} / 2023 / 143918, 143922 dated 14.12.2023 of the Southern Regional Committee, wherein the Continuation Order was passed to run B.Ed. Programme for 1 basic unit only i.e. 50 students, the relevant extract is reiterated here "The committee on perusal of the reply submitted by the institution namely Rural B.Ed. College decided that shifting of premises be permitted to the institution at new address i.e., Survey No. 116, Ring Road, Aurad (B) Taluq, Bidar District, Karnataka-585326. The Committee also decided that continuation order be issued to the institution for B.Ed. programme for 1 basic unit of 50 students."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Dhanaji Rode, Correspondent of Rural B.Ed. College, 116, Aurad (B), Bidar, Karnataka-585326 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that "The undersigned correspondent of Rural B.Ed. College Aurad (B) here with requesting you to grant the 2nd unit to our college as we are undergone the inspection conducted by NCTE office on 06.11.2023 for the 2nd Unit only and we have submitted all the relevant documents regarding infrastructure, Human Resources, Faculty 16 appointed and BCC, LUC, BP & FDRs."

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.


2

The Appeal Committee noted that the appellant institution was granted recognition for Secondary (B.Ed.) Course of one year duration with an annual intake of 100 students from the academic session 2005-2006 vide order dated 31.01.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 19.06.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 01.07.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students two basic units of 50 students each from the academic session 2015-16. Further, a corrigendum was issued to the institution vide order dated 15.07.2015 for conducting B.Ed. programme of two years duration with an annual intake of 50 students for one basic unit from the academic session 2015-2016. The recognition of the institution was withdrawn vide order dated 03.04.2019 for B.Ed. programme. Aggrieved by the order of the SRC, the Appeal was preferred before the Appellate Authority of the NCTE and the Appellate Authority remanded back the case to SRC with a direction to consider the documents vide order dated 02.08.2019. The recognition of the institution for B.Ed. programme for 1 basic unit of 50 students was continued by the SRC vide order dated 14.12.2023. The institution also permitted to shift its premises at new address i.e. Survey No. 116, Ring Road, Aurad (B) Taluq, Bidar District, Karnataka-585 326.

The Appeal Committee noted that the instant matter was taken up by the Appellate Committee in its 1st Meeting, 2024 held on 11.01.2024 whereby the Appeal Committee decided to ask the SRC to submit the clarification report explaining what basis the SRC has granted the continuation order for running one basic unit only and to keep the matter pending until the report is submitted by the Southern Regional Committee (SRC).

The instant matter again placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 whereby the Appeal Committee observed that the SRC vide letter dated 06.02.2024 has submitted the clarification report. The relevant portion of the aforementioned report is reproduced herein below:



- “1. The SRC vide order dated 31.01.2006 granted recognition to the institution for conducting B.Ed. course for 100 students.
2. Revised Provisional Recognition order dated 01.07.2015 was issued for B.Ed. course for 100 students (2 basic units of 50 students each).
3. The institution vide its letter dated 10.07.2015 has requested to continue the course with only one basic unit.
4. The SRC issued a Corrigendum of the RPRO vide no. F.SRO/NCTE/APSO2404/B.Ed./KA/2015/69883 dated 15.07.2015 for one basic unit.
5. The SRC in its 430th meeting held on 01.12.2023 has decided as follows: -

“The original file of the Institution alongwith other related documents, NCTE Act 1993, Regulations, Guidelines issued by NCTE from time to time, the SRC after careful consideration made the following observations: -

The Committee on perusal of the reply submitted by the institution namely Rural B.Ed. College decided that shifting of premises be permitted to the institution at new address i.e. Survey No.116, Ring Road, Aurad (B) Taluq, Bidar District, Karnataka-585326. The Committee also decided that continuation order be issued to the Institution for B.Ed. programme for 1 basic unit of 50 students.”

Accordingly, as per above decision of the SRC, continuation order dated 14.12.2023 was issued for conducting B.Ed. course for one basic unit only.”

In view of above, the Appeal Committee further noted that the Appellant Institution had themselves requested the SRC vide letter dated 10.07.2015 to continue the B.Ed. course with 1 basic unit only. Hence the Appeal Committee decided that the SRC was justified in continuing the recognition for one basic unit of 50 students and decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 14.12.2023 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in continuing the recognition for one basic unit of 50 students and decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 14.12.2023 issued by SRC is confirmed.



उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Rural B.Ed. College, 116, Aurad (B), Bidar, Karnataka-585326.**
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, Department of Higher Education (In charge Teacher Education), Government of Karnataka, Secretary Establishment, Higher Education Dept., Room No. 645 A, 2nd Gate, 6th Floor, M.S.Building, Bengaluru – 1, Karnataka.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-53/E-294353/2023 Appeal/4th Meeting, 2024
APPLERC202314568

Sarada Institute of Teacher Education, 23/290, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	No one presented
Respondent by	Regional Director, ERC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Sarada Institute of Teacher Education, 23/290, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151** dated 25.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-316.15 / NCTE / ERCAPP1816 / D.El.Ed. / WB / 2022 / 67065** dated 27.12.2022 of the Eastern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that “The institution has submitted its reply dated 31.10.2022 in response to the Final Show Cause Notice dated 19.10.2022 which is still deficient on the following grounds: (i) Only the photographs submitted by the institution cannot establish that the science lab, computer lab, sports room and Multipurpose Hall have been created with sufficient nos. of equipment / apparatus / furniture and are appropriate to run the programme. (ii) The institution has not submitted the Fire Safety Certificate issued by the Competent Govt. Authority. (iii) The entire milieu of the college and its building shown in the video CD of the institution is not conducive for an educational institution. (iv) The entire building shown in the video CD of the institution is in shabby condition and is not appropriate to run Teacher Education course. (v) Video CD of this institution and other institution namely Sri Ramkrishna College of Education, Plot No. 548, Vill-Belun, P.O-Ashudkola, Tehsil/Taluka-Goghat, Town/City- Bengai, District-Hooghly, State-West Bengal, Pin Code-712611 reveals that both the buildings are same and one. The institution has misled NCTE by carrying out inspection of both institutions in the same building.”

II. SUBMISSIONS MADE BY APPELLANT: -

No one from **Sarada Institute of Teacher Education, 23/290, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151** appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that “(i) The visiting team came to visit the institution on 10.06.2022 & 11.06.2022, as per the notice dated 26.05.2022 and had inspected of all relevant documents and papers and had taken videography of the institution and upon

inspection, they found that the institution was having all infrastructural facilities, instructional facilities, financial resources and the teaching staff, et cetera as per the NCTE Act, rules and relevant regulations including norms and standards for the said Teacher Education Programme. The appellate institution shall refer to and rely upon the copy of the inspection report & recommendation of the visiting team at the hearing. The institution having Science Lab, Computer Lab, Sports Room and Multipurpose Hall with the required equipment/apparatus and furniture. The photograph and copy of the bills are attached. (ii) During the Show Cause Notice there was no mention of Fire Certificate. Since it is pointed out in the withdrawal, enclosed please find the Fire Certificate issued by WBFS vide license no: FL0125182227800126 date: 19.07.2022. (iii) The building of the institute along with the other facilities available is well furnished and as per the norms of NCTE, the environment of the building is education friendly and totally conducive for educational purpose. The photograph of the building is attached herewith. (iv) The institution is running the D.El.Ed. course for the last seven years and it's our sincere effort to maintain the building as per the norms of NCTE. The building of the institution is fully equipped as per norms of NCTE was verified by the VT members of NCTE during its initial inspection before getting recognition order, vide order no. ERC/7-181.6.22/NCTE/ERCAPP1816/D.El.Ed./2015/30732, dated-03.03.2015. order copy of ERC NCTE is enclosed. (v) The building of Sarada Institute of Teacher Education was built as per the Norms of NCTE and is located on plot 23/290 which clearly is different from the plot no quoted in the withdrawal order. No other institute is running or utilizing this building for any other purpose. This institute is conducting the D.El.Ed. programme I this building and the built-up area is 1636.88 sq. mts. therefore, there is no question of Sri Ramkrishna College of Education using the same building. The land education is enclosed herewith."

III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution.



The Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. course of two years duration with an annual intake of 50 students (one basic unit) from the academic session 2015-2016 vide order dated 03.03.2015. The recognition of the institution for D.El.Ed. course was withdrawn by the ERC vide order dated 27.12.2022.

The Appeal Committee noted that the matter was placed in its 4th Meeting, 2023 held on 29.03.2023. The appellant institution did not appear online to present its case before Appellate Authority. However, the institution had submitted one letter that appeal should be decided on the basis of documents submitted by the institution.

The Appeal Committee observed that merely submission of photographs and other document without any documentary evidence issued by the competent Govt. authority may not be considered as a substantial document for claim of the appellant institution to consider the appeal, particularly where ground of withdrawal of recognition are related with mandatory infrastructural facilities. Hence, the Appeal Committee decided to grant another (second) opportunity to the institution and the appellate institution was required to submit the documents mentioned therein.

The Appeal Committee noted that the matter was again placed in its 5th Meeting, 2023 held on 12.05.2023 and the Committee observed that, in case of Sarda Institute of Teacher Education, one of the ground of withdrawal of recognition was that **“video CD of this institution and other institution namely Sarda Institute of Teacher Education, Plot No.- RS23/290, Street No. N/A, Vill. _ Bikrampur, P.O.-Bikrampur, Tehsil/Taluka-N/A, Town/City-Bankura, Dist.-Bankura, West Bengal-722151 reveals that both the buildings are same and one. The institution has misled NCTE by carrying out inspection of both institution in the same building.”** The Committee further noted that in the case of Ramkrishna College of Education, one of the ground of withdrawal of recognition was that **“Video CD of this institution and other institution namely Sri Ramkrishna College of Education, Plot No. 548, Vill-Belun, P.O- Ashudkola, Tehsil/Taluka-Goghat, Town/City- Bengai, District-**



Hooghly, State-West Bengal, Pin Code-712611 reveals that both the buildings are same and one. The institution has misled NCTE by carrying out inspection of both institutions in the same building.”

The Appeal Committee noted that in both the case 2 (two) different Video CD had been submitted which need re-verification by the Visiting Team.

The Committee further noted that the appellant during the Appeal has submitted a **Memo No- 628/sim/23** dated 12.05.2023 issued by the Revenue Officer, Block Land & Land Reforms Office, Simlapal, Bankura, wherein the following has been certified:

“This is to certify that Sarda Institute of Teacher Education, Vill+PO-Bikrampur, PS- Simlapal, Dist- Bankura, Pin-722151 is situated at its own land (Mouja-Katjuria, J.L., No- 60, Plot No-23/290) the institution is the owner of land and building for running the D.El.Ed. programme since 2015. This institution has been successfully running from the above-mentioned address.”

The Appeal Committee in the light of the submission made by the appellant Institution during on-line hearing held on 12.05.2023 passed the order for Inspection under Section 13 of the NCTE Act, 1993 to be conducted by the Eastern Regional Committee (ERC), NCTE.

The instant matter placed before Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 whereby the Appeal Committee noted that vide letter dated 09.02.2024 received from Inspection Section, NCTE, the Inspection Section informed the Appeal Committee that Inspection of the institution was conducted on 26.12.2023 in pursuance to the Appeal Order dated 22.05.2023 and also submitted the Visiting Team Report to the Appeal Division. The Appeal Committee thereafter pursued the VT Report dated 26.12.2023 and noted the following observation stated by the VT Members: -

- i. The virtual meeting was scheduled on 26.12.2023 at 2.30 pm.
- ii. The three VT members and the DS Inspection team also joined by 2.30 pm onwards.
- iii. The DS Inspection Team tried to over phone to brought institution to the meeting but they are not responded and not joined in the online inspection meeting till 3.30 pm.
- iv. Henceforth the inspection meeting could not be conducted.”

In view of above, Appeal Committee concluded that the institution failed to appear during the inspection conducted by the Inspection Section, NCTE. Hence the Appeal Committee decided that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 27.12.2022 issued by ERC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 27.12.2023 issued by ERC is confirmed.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sarada Institute of Teacher Education, 23/290, Bikrampur, Bikrampur Lakshmisagar Road, Simlapal, Bankura, West Bengal-722151.**
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, Department of Higher (In charge Teacher Education), Government of West Bengal, Bikash Bhavan, Salt Lake City, (5th, 6th, 8th, 10th Floor) Kolkata - 700 091, West Bengal.**



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-83/E-301683/2023 Appeal/4th Meeting, 2024
APPLERC202214595

Dr. P.M. Institute of Advanced Study in Education Sambalpur, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2458, 2465, 5916, Motijharan, BSS Nagar, Sambalpur, Odisha-768001	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Smt. Sarada Mishra, Principal
Respondent by	Regional Director, ERC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

Signed

आदेश/ ORDER

I. GROUNDS OF ORDER

The appeal of Dr. P.M. Institute of Advanced Study in Education Sambalpur, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2458, 2465, 5916, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 dated 29.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-295.4/(OR-S/E-12/96)B.Ed./2021/64423 dated 31.08.2021 (B.Ed.) of the ERC, restoring the recognition for B.Ed. Course on the grounds that “ Restoration of recognition order for B.Ed. course with an annual intake of 50 (one basic unit).”

II. SUBMISSIONS MADE BY APPELLANT: -

Smt. Sarada Mishra, Principal of Dr. P.M. Institute of Advanced Study in Education Sambalpur, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2458, 2465, 5916, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that “This is a government institution under the Department of Higher Education, Govt. of Odisha. All staff are posted by the government of Odisha by way of direct open recruitment through Odisha Public Service Commission, so the process takes significant time. The Government of Odisha initiated recruitment process in 2021, however the recruitment an depositing of faculty members got delayed and by September 2022 adequate faculty as per NCTE Norms were posted to our institute. We pray to condone the delay in posting of faculty and consider our case favorably. We have now required number of faculty members as per NCTE 2014 Norms and we submit the complete list of faculty members duly countersigned by the Affiliating University for your kind perusal. Therefore, we pray the NCTE to restore the recognition for 02 (Two) units of B.Ed. (2-year) in favour of Dr. Parsuram Mishra Institute of Advanced Study in Education, Sambalpur, Odisha.”



III. OUTCOME OF THE CASE

The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of one year duration with an annual intake of 128 students from the academic session 2000-2001 vide order dated 31.05.1996. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students from the academic session 2015-2016. The recognition of the institution for B.Ed. course was withdrawn by the ERC vide its order dated 08.09.2020. The institution preferred an appeal at NCTE (Hqrs.) against the ERC's Withdrawal Order dated 08.09.2020. The Appellate Authority vide its order dated 19.08.2021 decided to set aside the impugned order dated 08.09.2020 and remand back the case to the ERC, NCTE. The recognition withdrawn vide order dated 08.09.2020 for B.Ed. course was restored with an annual intake of 50 (one basic unit) vide order dated 31.08.2021.

The Appeal Committee noted that the ERC had restored the recognition of the appellant institution vide order dated 31.08.2021 against which the appellant institution had preferred an appeal dated 27.05.2022 and same was rejected by the Appeal Committee vide order dated 19.10.2022.

The petitioner institution had preferred a **W.P.(C) 1359/2024** before the **Hon'ble High of Delhi at New Delhi** against the Appeal Order dated 19.10.2022 i.e., rejecting the appeal of the appellant institution. The Hon'ble Court vide order dated **14.02.2024** directed as under: -

"...8. As a result, the impugned order dated 19 October 2022 is quashed and set aside. The appeal preferred by the petitioner is remanded for reconsideration to the Appellate Committee.

9. The Appellate Authority is directed to take a decision on the petitioner's appeal as expeditiously and, if possible, within two weeks of the holding of its next meeting.



10. Needless to say, the rights of the petitioner to seek legal remedies, if it continues to be aggrieved by the order passed by the Appellate Authority, stands reserved.

11. This writ petition is allowed to the aforesaid extent, with no order as to costs.

CM APPL.5588/2024

12. This application does not survive for consideration and stands disposed of."

The instant matter was placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 and during the online hearing the Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned order dated 31.08.2021: -

- (i) A copy of faculty list (1+28) members approved by the Registrar, Sambalpur University, Jyoti Vihar.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the impugned order dated 31.08.2021 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the impugned order dated 31.08.2021, required to be verified. **The ERC is required to verify the faculty list submitted in appeal as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, 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.”

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, 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.”

In view of the afore-mentioned extracts of the court orders, the impugned order dated 31.08.2021 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC **with a direction to verify the faculty list submitted in appeal**. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC **with a direction to verify the faculty list submitted in appeal**. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.



उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Dr. P.M. Institute of Advanced Study in Education Sambalpur, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2458, 2465, 5916, Motijharan, BSS Nagar, Sambalpur, Odisha-768001.**
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, Department of Higher Education (In charge Teacher Education), Government of Odisha, Heads of Department, Bhubaneswar, Odisha-751017.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 01/04/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-148/E-257180/2022 Appeal/4th Meeting, 2024
APPLERC202214381

Dr. Parsuram Mishra Institute of Advanced Study in Education Sambalpur, 1639, 1643, 1644, 1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001.	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Smt. Sarada Mishra, Principal
Respondent by	Regional Director, ERC
Date of Hearing	23.02.2024
Date of Pronouncement	.....

Arjuna

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dr Parsuram Mishra Institute of Advanced Study in Education Sambalpur, 1639, 1643, 1644, 1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 dated 27.05.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-278.7/(OR-SO/N-4/2000)/M.Ed./2020/62143 dated 28.01.2020 of the Eastern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i) Faculty list is not duly approved by the concerned affiliating body. (ii) Teaching faculty comprises 1+8 as against the requirement of 1+9 for running one unit of M.Ed. course as per NCTE Regulation, 2014. Hence, M.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21.”

II. SUBMISSIONS MADE BY APPELLANT: -

Smt. Sarada Mishra, Principal of Dr Parsuram Mishra Institute of Advanced Study in Education Sambalpur, 1639, 1643, 1644, 1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001 appeared online to present the case of the appellant institution on 23.02.2024. In the appeal report, it is submitted that “This is a Govt. Institute under the Dept. of Higher Education, Govt. of Odisha. Recruitment of 385 no of faculty positions (Asst. Professors) through the Odisha Public Service Commission is under progress. Some are already notified and sent to the dept of Higher Education for Placement. The dept of higher education is going to post them in different Teacher Education Institutes of the state including this one by July 2022. This institute fulfills other requirements for running one unit of M.Ed. programme along with B.Ed. programme as a composite Teacher Education Institution since the state of Odisha does not allow private Teacher Education Institutions to safeguard quality, we pray the NCTE to restore recognition for M.Ed. (1 unit-50 intake) to fulfill the requirements of trained manpower for Teacher Educators in the state of Odisha.”

III. OUTCOME OF THE CASE



The Appeal Committee in its 4th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. Course of one year duration with an annual intake of 24 students from the academic session 2001-2002 vide order dated 15.06.2001. Thereafter, a revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 (one basic unit) from the academic session 2015-2016. The recognition of the institution for M.Ed. course was withdrawn by the ERC vide its order dated 28.01.2020.

The Appeal Committee noted that the ERC had withdrawn the recognition of the appellant institution vide order dated 28.01.2020 against which the appellant institution has preferred an appeal dated 27.05.2022 and same was rejected by the Appeal Committee vide order dated 19.10.2022 on the grounds that: -

“Appeal Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 7-8 October, 2022 has not submitted documents to rectify the deficiency as pointed out in the withdrawal order. Explanation given by the institution is not justified as the institution has till now not submitted the faculty list.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the ERC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order issued by ERC is 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 that the appellant institution is still found to be deficient on the above grounds. Hence it is the view the ERC was justified in withdrawing recognition of the appellant and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order is confirmed.”

The petitioner institution has filed a W.P.(C) 1359/2024 before the Hon’ble High of Delhi at New Delhi against the Appeal Order dated 19.10.2022 i.e., rejecting the



appeal of the appellant institution. The Hon'ble Court vide order dated 14.02.2024 directed as under: -

“...8. As a result, the impugned order dated 19 October 2022 is quashed and set aside. The appeal preferred by the petitioner is remanded for reconsideration to the Appellate Committee.

9. The Appellate Authority is directed to take a decision on the petitioner's appeal as expeditiously and, if possible, within two weeks of the holding of its next meeting.

10. Needless to say, the rights of the petitioner to seek legal remedies, if it continues to be aggrieved by the order passed by the Appellate Authority, stands reserved.

11. This writ petition is allowed to the aforesaid extent, with no order as to costs.

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12. This application does not survive for consideration and stands disposed of.”

The instant matter was placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 and during the online hearing the Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (ii) A copy of faculty list (1+10) members approved by the Registrar, Sambalpur University, Jyoti Vihar.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the Withdrawal Order dated 28.01.2020 and keeping in view, the Hon'ble High Court of Delhi Judgment dated 23.02.2017 passed in **W.P(C). no. 3231/2016** titled “**Rambha College of Education V/s NCTE**” wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the order of withdrawal, required to be verified. **The ERC is required to verify the faculty list submitted in appeal as per provisions of the**


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NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, 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.”

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, 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.”

In view of the afore-mentioned extracts of the court orders, the impugned withdrawal order dated 28.01.2020 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to verify the faculty list submitted in appeal. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to verify the faculty list submitted in appeal. The Appellant institution is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the ERC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

उपरोक्त निर्णय अपील समिति की ओर से सूचित किया जा रहा है।/ The above decision is being communicated on behalf of the Appeal Committee


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Dr. Parsuram Mishra Institute of Advanced Study in Education Sambalpur, 1639, 1643, 1644, 1663, 1665, Motijharan, BSS Nagar, Sambalpur, Odisha-768001.
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, Department of Higher Education (In charge Teacher Education), Government of Odisha, Heads of Department, Bhubaneswar, Odisha-751017.