



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 - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-191/E-318229/2023 Appeal/11th Meeting, 2024
APPNRC202314709

Adarsh Bharti Mahavidyalay, 707, 00049, 720, Khetasarai, Jaunpur Shahganj Road, Shahganj Shodhi, Jaunpur, Uttar Pradesh-222139.	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Mukesh Kumar Pathak, Head of Department
Respondent by	Regional Director, NRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Adarsh Bharti Mahavidyalay, 707, 00049, 720, Khetasarai, Jaunpur Shahganj Road, Shahganj Shodhi, Jaunpur, Uttar Pradesh-222139** dated 20.09.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NRC/NCTE/UP-266- Shiksha Shastri (B.Ed.)/403rd (Online Mode) Meeting/2023** dated 25.07.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has submitted a representation dated 04.07.2023 without any documentary evidence. (ii). The institution has submitted photocopy of affidavit as a willingness in the year 2015. A copy of the affidavit showing the notarized dated 12.01.2015 submitted by the institution along with the representation but date of purchase of stamp paper of Rs. 100/- and name of the purchase of that stamp paper is blank. Hence, the institution has filed to prove that the institution had complied the conditions prescribed under Regulations, 2014 by submitted an Affidavit as a willingness in the year 2015.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Mukesh Kumar Pathak, Head of Department of Adarsh Bharti Mahavidyalay, 707, 00049, 720, Khetasarai, Jaunpur Shahganj Road, Shahganj Shodhi, Jaunpur, Uttar Pradesh-222139 appeared online to present the case of the appellant institution on 19.09.2024 In the appeal report, it is submitted that “(i). Explanation details written in Annexure 01. (ii). Explanation details written in Annexure 02.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2023 held online on 19th September, 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. (Shiksha Shastri) Course with an annual intake of 60 students vide order dated 24.07.2000. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 25.07.2023.

The Appeal Committee noted that the instant matter was placed in its **15th Meeting, 2023** of Appellate Committee held on **05.12.2023**. The Appellate Committee vide order dated **19.12.2023** **rejected** the appeal of the appellant institution and impugned withdrawal order dated 25.07.2023 issued by NRC was confirmed.

The Appeal Committee noted that the institution thereafter had filed a Writ Petition **(C) No. 4930/2024, CM APPL. 20186/2024** before the Hon'ble High Court of Delhi at New Delhi and the Hon'ble Court vide its order dated **31.07.2024** and has directed as under:

"....2. In view thereof, the respondents are directed to treat the present writ petition as a representation on behalf of the petitioner and decided the same within four weeks under intimation to the petitioner.

3. In the meantime, the operation of the impugned order dated 19.12.2023 shall remain stayed.

4. Learned counsel for the petitioner also undertakes that the petitioner will not take any fresh admission till the representation is decided by the respondents.

5. The present writ petition is disposed in the above terms.

6. The order be uploaded on the website forthwith."

The Appellant Institution submitted its detailed representation alongwith documents vide letter dt. 19.09.2024 and has justified its stand with respect to deficiencies pointed out in the Impugned Order. During the online hearing on 19.09.2024, the Committee noted that in addition to the representation and documents submitted by the Appellant institution, it has submitted the following documents with a claim to have rectified the shortcomings pointed out in the Appeal Order dt. 19.12.2023 and Withdrawal order dt. 25.07.2023: -

- (i) A copy of faculty list (1+7) members dt. 24.01.2024, approved by the Registrar, Sampurnanand Sanskrit Vishwavidyalaya, Varanasi as per provisions of NCTE

Regulation, 2014 alongwith statement of salary disbursement to the faculty members.

The Appellant Committee also noted that the Appellant institution is Government Aided institution running B.Ed. (Shiksha Shastri) Course and there are limited institutions imparting the said course and is affiliated to Sampurnanad Sanskrit Vishwavidyalaya.

The Appeal Committee noted that the document submitted in appeal viz a viz the grounds mentioned in the impugned order dated 25.07.2023, required to be verified 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 NRC is required to verify the documents submitted in appeal from the concerned affiliating University 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 25.07.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC **with a direction to verify documents, submitted in Appeal from the concerned affiliating University.** The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC 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 NRC **with a direction to verify the documents submitted in Appeal from the concerned affiliating University.** The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC 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, Adarsh Bharti Mahavidyalay, 707, 00049, 720, Khetasarai, Jaunpur Shahganj Road, Shahganj Shodhi, Jaunpur, Uttar Pradesh-222139.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Department of Higher Education & Member Secretary, Uttar Pradesh State Council of Higher Education, 6th Floor, 619, Indira Bhawan, Ashok Marg, Lucknow, Uttar Pradesh-226001.



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दिनांक/ Date - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-57/E-344437/2024/Appeal/11th Meeting, 2024
APPLNRC202414808

Ramanujam Royal College of Education, Khasara No. 1206, 1216, 122, 1223, Village - Samloh, Street/Road - Drlaghat to Beri, Post Office - Navgaon, Taluka/Mandal - Samloh, District - Solan, Himachal Pradesh- 171102.	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Dharam Paul, Head of Secretary
Respondent by	Regional Director, NRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

Dharam Paul

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Ramanujam Royal College of Education, Khasara No. 1206, 1216, 122, 1223, Village - Samloh, Street/Road - Drlaghat to Beri, Post Office - Navgaon, Taluka/Mandal - Samloh, District - Solan, Himachal Pradesh- 171102 dated 07.08.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NRC/NCTE/F-3/HP-177/207th Meeting/2012/35653 dated 29.12.2012 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "In the reply to Show Cause Notice, the institution has submitted its reply dated 14.09.2012. As per the letter – (a) The institution itself accepted that only two lecturers for B.Ed. course are approved by the HP University, whereas post of one Principal and five lecturers not approved by the university as per the NCTE norms and regulations, 2009. (b) Proof of size of multipurpose hall has not submitted."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Dharam Paul, Head of Secretary of Ramanujam Royal College of Education, Khasara No. 1206, 1216, 122, 1223, Village - Samloh, Street/Road - Drlaghat to Beri, Post Office - Navgaon, Taluka/Mandal - Samloh, District - Solan, Himachal Pradesh- 171102 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that "Due to change of the NCTE Regulation, 2009 to the NCTE Regulation, 2014, number of faculty from 1+7 now required 1+15 receptively and now we have arranged the qualified faculty for the approval of affiliating authority, also constructed a new building besides the existing building and the multipurpose hall and other deficiencies are removed. Hence, it is prayed that recognition for two units of B.Ed. programme may be restored/granted in favour of Ramanujam Royal College of Education, Samloh (Solan)."



III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2023 held online on 19th September, 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 with an annual intake of 100 students vide order dated 23.08.2006. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 29.12.2012.

The Appeal Committee noted that the institution has filed in LPA No. 225 of 2014, titled Ramanujam Royal College of Education Vs. National Council for Teacher Education and others in the Hon'ble High Court of Himachal Pradesh, Shimla and the Hon'ble Court vide its order dated 22.12.2016 directed as under:

"...2. learned counsel for respondents No. 1 and 2 has no objection to the said proposition. His statement is also taken on record.

3. Accordingly, the LPA is disposed of as withdrawn with liberty to the appellant to file fresh application before respondents No. 1 and 2 within four weeks from today and respondents No. 1 and 2 to examine the same and pass appropriate order, as per the Rules, occupying the field within four weeks thereafter. Pending application, if any also stand disposed of. Dasti copy."

The appellant institution filed a CMP No. 6140 of 2017 in the Hon'ble High Court of Himachal Pradesh, Shimla and the Hon'ble Court vide its order dated 03.08.2017 directed as under:

"... The applicant-appellant is granted four weeks' time to file representation in compliance of the judgement, dated 22nd December, 2016, passed by this Court in LPA No. 225 of 2014, titled Ramanujam Royal College of Education Vs. National Council for Teacher Education and others. Application stands disposed of."

The Appeal Committee noted that the matter was considered by the NRC of NCTE in its 274th Meeting held on 29th to 31st August, 2017. The Committee decided as under:

- ***In compliance with the orders of Hon'ble High Court of Himachal Pradesh dated 22.12.2016 and subsequent order dated 08.08.2017, the institution is directed to***

file fresh application in accordance with the NCTE Regulations, 2014 (with amended from time to time).

The NRC vide letter dated 17th Sept., 2017 accordingly informed the institution.

The Appeal Committee during the on-line hearing held on 19.09.2024 viz a viz the documents submitted by the Appellant alongwith Appeal report and submission made therein noted that the NRC had withdrawn the recognition of the appellant institution vide order dated 29.12.2012 against which the appellant institution has preferred an appeal dated 07.08.2024. The Appeal Committee observed that the Appeal suffers from enormous delay of 12 years which is unreasonable and without any proper justification. The appellant institution has also failed to show any sufficient cause for the enormous delay. Hence, as per the extant Rules & Regulation of the NCTE, the Appeal Committee decided not to condone delay without any reasonable cause. As such, it is a fit case for non-admission of the Appeal on ground of delay and laches.

Noting and submission and verbal arguments advanced during the online hearing, the Appeal Committee of the Council decided that the present Appeal is not admitted, and withdrawal dated 29.12.2012 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 present Appeal is not admitted, and withdrawal dated 29.12.2012 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, Ramanujam Royal College of Education, Khasara No. 1206, 1216, 122, 1223, Village - Samloh, Street/Road - Drlaghat to Beri, Post Office - Navgaon, Taluka/Mandal - Samloh, District - Solan, Himachal Pradesh- 171102.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Education, Government of Himachal Pradesh, Shimla - 171002, Himachal Pradesh.



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

दिनांक/ Date - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-82/E-156554/341351/2024/Appeal/11th Meeting, 2024
APPLERC202414799

Swami Vivekananda College of Education for Women, Plot No. 7, Village - Riverside Road, Ramakrishna Vivekananda Mission, Barrackpore, Barrackpore Cantonment, West Bengal - 700120.	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Swami Nityarupanand, Secretary
Respondent by	Regional Director, ERC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Swami Vivekananda College of Education for Women, Plot No. 7, Village – Riverside Road, Ramakrishna Vivekananda Mission, Barrackpore, Barrackpore Cantonment, West Bengal – 700120** dated 13.07.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ERC-279.33/APE00532/B.Ed./2020/62421** dated 26.02.2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). FDRs of Rs. 5 Lakhs and Rs. 7 Lakhs is not submitted. (ii). The Khata No. /Plot no. and total built up area earmarked for the course duly signed by the competent authority is not submitted. (iii). Building Completion Certificate (BCC) in the prescribed proforma mentioning the khata no./plot no. and total built up area duly signed by the competent authority is not submitted.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Swami Nityarupanand, Secretary of Swami Vivekananda College of Education for Women, Plot No. 7, Village – Riverside Road, Ramakrishna Vivekananda Mission, Barrackpore, Barrackpore Cantonment, West Bengal – 700120 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that “Hon’ble Delhi High Court vide its order dated 14.08.2023 in matter no. WP (C) 10705/2023, directed to consider the application for shifting of the college in the new premises which has not been considered by the ERC. The ERC overlooked the petition of the college submitted on 24.02.2019 and received by NCTE on 27.02.2019 as per track record of postal department, which was made when college was existing. The College appeal for inspection of the new premises, for which it will pay the requisite fee, for consideration of application for shifting of the college.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2024 held online on 19th September, 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 24.05.2007, followed by revised recognition order vide No. 31976 dated 23.05.2015 with an intake of 100 from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 26.02.2020. Aggrieved by the order of the ERC, the institution preferred an Appeal and the Appeal Committee placed the matter in its 13th Meeting, 2020 held on 27.07.2020 whereby the Appeal Committee vide order dt. 10.09.2020 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder:

“AND WHEREAS Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme from the year 2017 and revised recognition order dated 23.05.2015 under NCTE Regulation, 2014 was issue for an intake of 100 seats (2 units). Appellant institution by its letter dated 14.03.2019 had requested ERC to confirm whether ERC has received the documents submitted personally on 07.02.2018. Appeal Committee noted that appellant is under misconception that revised recognition dated 23.05.2015 is for an intake of 50 seats whereas the order clearly mentions the annual intake of 100 seats.

AND WHEREAS Appeal Committee noted that appellant institution in reply dated 13.01.2020 to Show Cause Notice (SCN) dated 26.12.2019 had submitted a list containing the names of a teacher-in-charge and six faculty. The Appellant with its appeal papers has submitted a building plan which is approved an Assistant Engineer (Retired) of Ministry of Defense. The Built-up area shown in this building plan is 550 sq. meters on ground floor and 294 sq. mt. on first floor. Total built up area comes to 844 sq. meters which is far less than the required built up area. Further a retired official cannot be a Competent Authority to issue approval for a Building Plan.

AND WHEREAS Appeal Committee noted that appellant institution does not possess the required (i) built up area and (ii) academic faculty as required under the NCTE Regulation, 2014. Appellant Committee, therefore, decided to confirm the impugned order of withdrawal dated 26.02.2020 issued by ERC.”

The Appeal Committee noted that the appellant filed a Writ Petition (C) No. 9690/2021 in the Hon’ble High Court of Delhi at New Delhi and the Hon’ble Court by order dated 12.01.2022 directed as under:

“....The petitioners were granted recognition for B.Ed. degree by the respondent No.2-Eastern Regional Committee [“ERC”] of the respondent No.1-National Council for Teacher Education [“NCTE”] on 08.12.2006. The recognition came to be withdrawn on 26.02.2020, which was challenged before the Appellate Committee of the NCTE under Section 18 of the NCTE Act, 1993. The Appellate Committee affirmed the order of withdrawal by an order dated 10-15.09.2020. The present writ petition is directed against the aforesaid orders dated 26.02.2020 and 10-15.09.2020. The order of the Appellate Committee dated 10-15.09.2020 is, therefore, set aside, and the matter is remanded to the Appellate Committee of the NCTE for

reconsideration. The Appellate Committee will communicate the date of the hearing to the petitioners and also to Mr. Mayank Manish, learned counsel for the petitioners. The aforesaid process be completed within two months from today. It is made clear that this Court has not gone into the merits of the contentions of the parties. The writ petition, alongwith pending application, is disposed of with these directions."

The Appeal Committee noted that in compliance of the Hon'ble Court order, the instant matter was placed in its **3rd Meeting, 2022** of Appellate Committee held on **23.03.2022**. The Appellate Committee vide order dated **18.04.2022** rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder:

"Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the Hon'ble High Court of Delhi by order dated 21.01.2022 has set aside the Appellate Order dated 10.09.2020 and remanded the matter back to the Appellate Committee of the NCTE for reconsideration.

Appeal Committee noted that in compliance with the said court order, a copy of letter dated 16.03.2022. inviting appellant institution to appear before the Appeal Committee on 23.03.2022 by virtual mode (online) to present the case was endorsed to the petitioner's learned counsel Sh. Mayank Manish and sent on his email mayankmanish1202@gmail.com

The Appeal Committee after reconsidering the matter has observed that the total Built-Up area of 844 Sq. Mtrs. as shown in the BCC signed by Assistant Engineer (Acting), North Barrackpore Municipality is less than the required built-up area as per Regulations, 2014. NCTE Regulation, 2014 Para 6 of Appendix-4 of Norms and standards for B.Ed. programme prescribes minimum built-up area. Clause 8(11) of NCTE Regulation, 2014 prescribes that as and when there is a change in the regulations, existing institution will be required to comply with the revised norms and standards. Particularly the built-up area related condition must be complied. Further, the building plan submitted with the Memoranda of Appeal is signed and approved by a retired Assistant Engineer who cannot be a Competent Authority. Further, the appellant institution do not possess the required faculty to run the course in question.

Noting the submissions made by the appellant and in view of the circumstances mentioned above, the Appeal Committee decided to re-confirm its earlier Appellate Order dated 10-15.09.2020.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to re-confirm its earlier Appellate Order dated 10-15.09.2020."

The institution has filed W.P. No. 10705 of 2023 before the Hon'ble High Court of Delhi at New Delhi vide order dated 14.08.2023 has passed the order as the following: -

"4. Learned Standing Counsel appearing on behalf of the respondent NCTE submits that the instant writ petition is not maintainable in view of the decision passed by this court in W.P. (C) 12405/2022 dated 26.08.2022 which has attained finality in LPA No. 709/2022,



wherein, this court in terms of order dated 12.12.2022 allowed the appellant (i.e. petitioner herein) to withdraw the same with liberty to pursue other remedies regarding shifting of the appellant – College. He, therefore, submits that the same impugned orders, which were assailed in the main writ petition cannot be challenged in a subsequent writ petition.

5. At this stage, learned counsel for the petitioner, submits that the petitioner is essentially aggrieved by non-consideration of its application made pursuant to the liberty granted by this court in LPA No. 709/2022 through its order dated 12.12.2022. He, therefore, confines his prayer only to the extent of directing the respondent-NCTE to consider the application of the petitioner for shifting of the premises of the petitioner-college.

6. The oral prayer made by the petitioner for moulding the relief is accepted. Accordingly, the parties are heard.

7. Learned counsel for the petitioner points out that vide order dated 12.12.2022, the Division Bench of this court has specifically granted liberty to the petitioner to pursue other remedies regarding shifting of the petitioner-college. The order dated 12.12.2022 reads as under:-

“Learned Counsel for the Appellants prays for withdrawal of the present Letters Patent Appeal (LPA) with liberty to pursue other remedies regarding shifting of the college.

The present LPA stands disposed of with the aforesaid liberty.”

8. It is thus seen that, thereafter on 23.01.2023, the petitioner made an application before respondent-NCTE. A reminder letter was also submitted on 24.03.2023 for allowing petitioner to shift the premises.

9. A perusal of the facts and the material available on record would show that on the applications submitted by the petitioner pursuant to the liberty granted by this court, no decision has been taken by the respondent-NCTE.

10. Learned Standing Counsel for the respondent -NCTE, submits that the applications submitted by the petitioner would be decided in accordance with the extant Regulations.

11. In view of the aforesaid, without going into the issue of whether the shifting is permissible or otherwise, this court, at this stage, deems it appropriate to pass the following directions: -

- i) Let the applications of the petitioner be considered by the respondent-NCTE, in accordance with the extant Regulations and appropriate orders in that respect be passed as expeditiously as possible within a period of 60 days from date of receipt of a copy of the order passed today.
- ii) Before taking any decision on the applications submitted by the petitioner, the petitioner be also extended an opportunity of hearing.

12. The aforesaid directions are passed keeping in mind the liberty granted by the Division Bench of this court in its order dated 12.12.2022.

13. The petition stands disposed of.”

The instant matter was placed before the Appeal Committee in its 10th Meeting, 2024 held on 14.08.2024. 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

appellant institution and the institution was required to submit the documents mentioned therein.

The instant matter again placed before the Appeal Committee in its 11th Meeting, 2024 held on 19.09.2024 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 26.02.2020: -

- (i) **A copy of list of faculties duly approved by the Registrar, Baba Saheb Ambedkar Education University, (Erstwhile WBUTTEPA) as per provisions of NCTE Regulation, 2014.**
- (ii) **A copy of land and building documents.**

The Appeal Committee in compliance of the Hon'ble High Court of Delhi at New Delhi order dated 14.08.2023 in W.P. No. 10705 of 2023 decided to remand back the matter to ERC, NCTE with the direction to process the application of the institution for shifting of the premises of the appellant institution as per provisions of the NCTE Regulations, 2014.

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the impugned order dated 26.02.2020, required to be verified 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.

Hence, the Committee decided to remand back the matter to NRC, NCTE with the direction to revisit the case in totality as per provisions of the NCTE Regulations, 2014 and process the application of the institution for conduct the inspection of the institution under clause 8(9) 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 26.02.2020 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 process the application of the institution for shifting of the premises of the appellant institution as per provisions of the NCTE Regulations, 2014.

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 process the application of the institution for shifting of the premises of the appellant institution as per provisions of the NCTE Regulations, 2014. 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, Swami Vivekananda College of Education for Women, Plot No. 7, Village – Riverside Road, Ramakrishna Vivekananda Mission, Barrackpore, Barrackpore Cantonment, West Bengal – 700120.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Higher Education, Govt. of West Bengal, Bikash Bhavan, Salt Lake City, (5th,6th,8th,10th Floor) Kolkata - 700091.



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 - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-59/E-344605/2024 Appeal/11th Meeting, 2024
APPLNRC202314811

GTB College, Plot No. 557 MIN (6-0), Village- Balloh, Post Office - Joga, Taluka/Mandal - Phool, District - Bhatinda, Punjab - 148109.	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Secretary of the institution
Respondent by	Regional Director, NRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of GTB College, Plot No. 557 MIN (6-0), Village- Balloh, Post Office - Joga, Taluka/Mandal - Phool, District - Bhatinda, Punjab – 148109 dated 24.08.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No F. No. NRC/NCTE/NRCAPP-4261-B.Ed./422nd Meeting (Part-2) (Sl. no.04)/2024/225351 dated 02.08.2024 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The institution has not deposited the inspection fee of Rs. 1.5 Lakh + 18% GST rather it has requested to waive of the inspection fee and provide an economical relief to the institution.”

II. SUBMISSIONS MADE BY APPELLANT: -

The Secretary of GTB College, Plot No. 557 MIN (6-0), Village- Balloh, Post Office - Joga, Taluka/Mandal - Phool, District - Bhatinda, Punjab - 148109 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that “The institute is ready to deposit the inspection fee of rupees 1.5 Lakh + 18 Percent GST Total Rs. 1,77,000/- to NCTE. The appeal committee is requested to have mercy on the institute and restore the recognition by accepting the inspection fee.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2024 held online on 19th September 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 (two units) vide order dated 03.03.2015. The Recognition of the institution was withdrawn by NRC vide order dated 02.08.2024.

The Appeal Committee noted that the institution failed to deposit the Inspection fee of Rs. 1.5 lakh + 18% GST rather it has requested the NRC to waive of the inspection fee and provide an economical relief to the institution. The NRC has given ample opportunity to the institution to pay the inspection fee. Even at the time of Appeal hearing the institution has not paid the inspection fees. Therefore, the 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 02.08.2024 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 02.08.2024 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, GTB College, Plot No. 557 MIN (6-0), Village- Balloh, Post Office - Joga, Taluka/Mandal - Phool, District - Bhatinda, Punjab – 148109.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Administrative Secretary Higher Education and Languages, Department of Higher Education, Govt. of Punjab, Vidya Bhawan, 7th Floor, Phase-8, Ajitgarh (Mohali)-160062.



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 - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-62/E-345653/2024/Appeal/11th Meeting, 2024
APPLWRC202414816

Shri Ganesh College of Education, Khasara No. 500, 504, Village - Churina, Street/Road - Narnaul Road, Taluka /Mandal - Buhana, District - Jhunjhunu, State - Rajasthan - 333515.	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Sh. Sushil Kumar, Secretary
Respondent by	Regional Director, WRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Shri Ganesh College of Education, Khasara No. 500, 504, Village - Churina, Street/Road - Narnaul Road, Taluka /Mandal - Buhana, District - Jhunjhunu, State - Rajasthan – 333515** dated 21.08.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/2526202402241723 /Rajasthan/2024/Rejc/1673** dated 12.07.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “The institution has not filled any details in its online transition application.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Sushil Kumar, Secretary of Shri Ganesh College of Education, Khasara No. 500, 504, Village - Churina, Street/Road - Narnaul Road, Taluka /Mandal - Buhana, District - Jhunjhunu, State - Rajasthan – 333515 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that “The humble institution most respectfully begs to submit as under: - That the action of the WRC, NCTE is totally illegal and arbitrary for not considering the institute for ITEP transition from B.A. B.Ed./B.Sc. B.Ed. Integrated course, the institute has timely applied for the online transaction with all the relevant and required detail. Without filling the detail online portal will not allow to submit the application & payment will be done only in condition to fill complete detail in the application. An auto generated mail is also received for submission of application.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2024 held online on 19th September, 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 Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 11.07.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 12.07.2024.

The instant matter placed in its 11th Meeting, 2024 held on 19.09.2024. The appellant institution along with its appeal report has submitted and presented before the Appeal Committee that the institute has timely applied for the online transaction with all the relevant and required detail. The institution also submitted that without filling the application form the NCTE portal would have not accepted the application. An auto generated mail is also received for submission of application. The Appeal Committee noted that appellant institution position seems to be correct, and WRC is directed to verify the authenticity of the application of the institution from IT & E.Gov. Division of the NCTE.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC **with a direction to revisit the matter and verify the authenticity of the application of the institution from IT & E.Gov. Division of the NCTE then appropriate action shall be taken by the WRC as per provisions of the NCTE Regulations.** The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to revisit the matter and verify the authenticity of the application of the institution from IT & E.Gov. Division of the NCTE then appropriate action shall be taken by the WRC as per provisions of the NCTE Regulations. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Shri Ganesh College of Education, Khasara No. 500, 504, Village - Churina, Street/Road - Narnaul Road, Taluka /Mandal - Buhana, District - Jhunjhunu, State - Rajasthan – 333515.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Higher Education Department, C5MW+73J, Devmand Dhani Post Borda Tehsil Mitrapura, Madhapur, Rajasthan 322023.



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 - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-45/E-341019/2024/Appeal/11th Meeting, 2024
APPLWRC202414794

Choudhary M.S. Memorial T.T. College, Plot No. 109, 110, 637, 638, 1119/54, Village - Taranagar, Sahawa Road, District - Churu, Rajasthan - 331304.	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Rajveer Singh Choudhary, Secretary
Respondent by	Regional Director, WRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

आदेश/ ORDER

I. GROUND OF REFUSAL

The appeal of **Choudhary M.S. Memorial T.T. College, Plot No. 109, 110, 637, 638, 1119/54, Village – Taranagar, Sahawa Road, District - Churu, Rajasthan – 331304** dated 06.07.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No. **NCTE/WRC/2526202402291886/Rajasthan/2024/Rejc/1836** dated 14.05.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “As per the details provided by the institution on the transition portal, the institution is not recognized for 4-year Integrated B.A. B.Ed./B.Sc. B.Ed. course by NCTE.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Rajveer Singh Choudhary, Secretary of Choudhary M.S. Memorial T.T. College, Plot No. 109, 110, 637, 638, 1119/54, Village – Taranagar, Sahawa Road, District - Churu, Rajasthan – 331304 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that “Sheet attached.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2024 held online on 19th September, 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 Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 04.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 14.05.2024.



The instant matter placed in its 10th Meeting, 2024 held on 14.08.2024. The appellant institution along with its appeal report has submitted a copy of Recognition Order dt. 03.11.2017 for B.A. B.Ed./B.Sc. B.Ed. course with annual intake of 2 units of 50 Students each from the academic session 2018-2019. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the WRC and the institution to submit their report/reply.

The instant matter again placed in its 11th Meeting, 2024 held on 19.09.2024. The Appeal Committed noted that the institution vide letter dated 03.09.2024 submitted its reply. The Appeal Committee after perusing the documents and oral argument advanced during the hearing the Committee noted that a recognition order vide order No. F.No.NRC/NCTE/NRCAPP-201615375/Recognition/Emergent Meeting and 276th Meeting/2017/184158 dt. 03.11.2017 was issued by the WRC, NCTE. The Maharaja Ganga Singh University has granted the affiliation to the institution.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC **with a direction to revisit the matter and verify the authenticity of the recognition order from the records of WRC, Affiliating body, and if a recognition order has been issued by the WRC, NCTE to the Institution for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC as per provisions of the NCTE Regulations.** The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to revisit the matter and verify the authenticity of the recognition order from the records of WRC, Affiliating body, and if a recognition order has been issued by the WRC, NCTE to the Institution for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC as per provisions of the NCTE Regulations. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Choudhary M.S. Memorial T.T. College, Plot No. 109, 110, 637, 638, 1119/54, Village – Taranagar, Sahawa Road, District - Churu, Rajasthan – 331304.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Higher Education Department, C5MW+73J, Devmand Dhani Post Borda Tehsil Mitrapura, Madhapur, Rajasthan 322023.



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 - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-49/E-341066/2024/Appeal/11th Meeting, 2024
APPLWRC202414796

Daipuria Mahavidyalaya, Village - Mehgaon, Post Office – Bhind, Madhya Pradesh-477557.	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Vipin Daipuriya, Manager
Respondent by	Regional Director, WRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

Right

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Daipuria Mahavidyalaya, Village - Mehgaon, Post Office – Bhind, Madhya Pradesh-477557** dated 11.07.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/2526202402151356/ Madhya Pradesh/2024/Rejc/356** dated 14.05.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “As per the details provided by the institution on the transition portal, the institution is not recognized for 4-year Integrated B.A. B.Ed./B.Sc. B.Ed. course by NCTE.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Vipin Daipuriya, Manager of Daipuria Mahavidyalaya, Village - Mehgaon, Post Office – Bhind, Madhya Pradesh-477557 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that “It is most respectfully submitted that the decision of Refusing the Recognition is based on wrong and incorrect facts. The institution is duly recognized by the NCTE since 02.05.2016 for 4-year course (Copy of the Recognition order is enclosed) and has time and again complied with all the norms and regulations of NCTE Act. It is pertinent to mention that the recognition of the institution has been refused vide order dt. 14.05.2024 despite having submitted all the documents as required. It is matter of record that no show cause notice was issued to the institution prior to refusal of the application for grant of recognition of ITEP course. The institution duly stands recognized since 2016 and running successfully since then. The institution is duly affiliated with Jiwaji University starting from 2016 are enclosed herewith for ready reference). The Admission and Fee Regulatory Committee has been regularly fixing fee structure for the institution. The latest order of the said committee dt. 06.04.2023 mentioning the fees and course for the academic years 2023-24, 2024-25 & 2025-26 is enclosed herewith for ready reference. The institution herein once again submitting all the requisite documents for your kind perusal and necessary action. It is pertinent to mention that due to wrong and arbitrary decision of WRC, the

institution, which is running successfully since 2016, application of the institution has been rejected, without even issuing a show cause notice which is against the NCTE Act and Regulations. The institution urges for reversing/setting aside the Refusal order as passed on the grounds mentioned above and requests to for an early action in this regard. The institution with folded hand and utmost respect prays that the Refusal order as passed by the WRC be set aside and quashed in the interest of justice as the WRC has failed to appreciate the correct facts and documents available on record. The institution has a good name in the vicinity and is imparting quality education since 2016. You are requested to kindly take a lenient view and restore the recognition granted to the institution with immediate effect.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2024 held online on 19th September 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 Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 05.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 14.05.2024.

The instant matter placed in its 10th Meeting, 2024 held on 14.08.2024. The appellant institution along with its appeal report has submitted a copy of Recognition Order dt. 02.05.2016 for B.Sc. B.Ed. course with annual intake of 1 unit of 50 Students from the academic session 2016-2017. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the WRC and the institution to submit their report/reply.

The instant matter placed in its 11th Meeting, 2024 held on 19.09.2024. The Appeal Committed noted that the institution vide letter dated 03.09.2024 submitted its reply. The Western Regional Committee has submitted its report vide letter no.



F.No.WRC/NCTE/WRCAPP3075-B.Sc.B.Ed./2024/225510 dt. 11.09.2024 stated as under: -

“It is inform that as per decision of WRC in its 251st Meeting held on April 30- May 02, 2016, the recognition was granted to the institution namely Daipuria Mahavidhayalaya, Plot No. 2729, Street/Road – Pachera Road, Village – Mehgaon, P.O. – Mehgaon, Teh/Tal-Mehgaon, Town/City-Mehgaon, District – Bhind – 477557, Madhya Pradesh for conducting B.Sc. B.Ed., Integrated programme of 4(Four) years duration with an annual intake of 50 students (one basic unit) from the academic session 2016-2017.”

The Appeal Committee after perusing the documents and oral argument advanced during the hearing the Committee noted that a recognition order vide order No. F.No.WRC/APP3075/B.Sc. B.Ed./251st/2016/167025, 026, 027, 028, 029, 030, 031, 032, 033 dt. 02.05.2016 was issued by the WRC, NCTE. The Shivaji Viswavidyalaya, Gwalior has granted the affiliation to the institution.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to revisit the matter and verify the authenticity of the recognition order from the records of WRC, Affiliating body, and if a recognition order has been issued by the WRC, NCTE to the Institution for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC as per provisions of the NCTE Regulations. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to revisit the matter and verify the authenticity of the recognition order from the records of WRC, Affiliating body, and if a recognition order has been issued by the WRC, NCTE to the Institution for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC as per provisions of the NCTE Regulations. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Daipuria Mahavidyalaya, Village - Mehgaon, Post Office – Bhind, Madhya Pradesh-477557.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Department of Higher Education, 2nd floor, Annex-3, Vallabh Bhawan, Bhopal – 462004, Madhya Pradesh.



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 - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-52/E-342897/2024/Appeal/11th Meeting, 2024
APPLWRC202414805

Sri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya, E-Sector, Pratap Nagar, Jodhpur, Rajasthan – 342003.	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Mahesh Jhanwar, UDC
Respondent by	Regional Director, WRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Sri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya, E-Sector, Pratap Nagar, Jodhpur, Rajasthan – 342003** dated 28.07.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/25262024030425056/Rajasthan/2024/Rejc/2006** dated 11.07.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per the details provided by the institution on the transition portal, the institution is not recognized for 4-year Integrated B.A.B.Ed./B.Sc.B.Ed. course by NCTE. As per the details provided by the institution on the transition portal, the name of the institution mentioned in the recognition order for 4-year Integrated B.A.B.Ed./B.Sc.B.Ed. course (as applicable) by NCTE does not match with the name mentioned in the transition application."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Mahesh Jhanwar, UDC of Sri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya, E-Sector, Pratap Nagar, Jodhpur, Rajasthan – 342003 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that "(i). That this institution is running 2 years B.Ed. course vide NRC, NCTE order no. NRC/NCTE/RJ-Common orders/2015/115210 dated 09.06.2015. The name of college is Shri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya, Pratap Nagar, E-Sector, Jodhpur (Raj.). Copy of recognition order is attached. (ii). That this institution had applied for grant of recognition for B.A.B.Ed. course (2 units) to this institution vide order No. NRC/NCTE/NRCAPP-201616431(id-10638)/294th Meeting/2019/200847 dated 27.02.2019 in the name of Shri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalay, Pratap Nagar, E-Sector, Jodhpur (Raj.)342004. Copy of recognition order is attached. (iii). That in compliance to the Public Notice dated 05.02.2024 issued by NCTE for transition of B.A.B.Ed./B.Sc.B.Ed. course in to ITEP course on 05.03.2024. Computer Operator has mentioned the name of institution in



English language. He has mentioned the name of institution "Shri Mahalaxmi Women Teacher Training College" instead of "Shri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya." This was done by mistake of the computer operator. Both name of institution is same. One name is in Hindi and other name is in English. Copy of online application for transition of B.A. B.Ed./B.Sc. B.Ed. course in to ITEP course is attached. (iv). The WRC, NCTE has rejected the application of this institution for transition of B.A.B.Ed. course in to ITEP course vide order no. NCTE/WRC/2526202403042056/Rajasthan/2024/Rejc/2006 Dated: 11/07/2024 without verifying the facts and documents submitted by this institution on illegal, unlawful and unconstitutional basis. Copy of refusal order is attached. (v). You are requested to consider the facts and documents submitted by this institution and direction be issued to WRC, NCTE for further processing the online application for B.A. B.Ed. course in to ITEP course of this institution from 2025-26."

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2024 held online on 19th September 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 Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 05.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 11.07.2024.

The instant matter placed in its 10th Meeting, 2024 held on 14.08.2024. The appellant institution along with its appeal report has submitted a copy of Recognition Order dt. 27.02.2019 for B.A. B.Ed. course with annual intake of 100 students (Two basic units) from the academic session 2019-2020. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the WRC and the institution to submit their report/reply.



The instant matter again placed in its 11th Meeting, 2024 held on 19.09.2024. The Appeal Committed noted that the institution vide letter dated 30.08.2024 submitted its reply. The Appeal Committee after perusing the documents and oral argument advanced during the hearing the Committee noted that a recognition order vide order No. NRC/NCTE/NRCAPP-201616431 (ID-10638)/294th Meeting/2019/200847 dated 27.02.2019 was issued by the WRC, NCTE. The Narain Vyas University, Jodhpur has granted the affiliation to the institution.

The instant matter placed in its 11th Meeting, 2024 held on 19.09.2024. After perusing the documents submitted by the appellant institution vide letter dt. 19.09.2024, the Committee observed that the institution during the Appeal hearing informed the Committee that the institution inadvertently instead of Shri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya had applied for ITEP course in the name of Shri Mahalaxmi Women Teacher Training College . The institution has also submitted an affidavit stating the detailed reasons thereof and requested that the institution be granted to the NCTE in the name of Shri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to verify the issue and if a recognition order has been issued by the WRC, NCTE to the Shri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC in order to rectify the mistake which is inadvertently made by the institution while applying for ITEP programme through online portal after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to verify the issue and if a recognition order has been issued by the WRC, NCTE to the Shri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC in order to rectify the mistake which is inadvertently made by the institution while applying for ITEP programme through online portal after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Sri Mahalaxmi Mahila Shikshak Prashikshan Mahavidyalaya, E-Sector, Pratap Nagar, Jodhpur, Rajasthan – 342003.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Higher Education, Department of College Education, Block-IV, Dr. S. Radhakrishnan Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur, Rajasthan-302015.



एनसीटीई अपीलिय प्राधिकरण में/ IN THE NCTE APPELLATE AUTHORITY

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)
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NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi-110075

दिनांक/ Date - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-54/E-342898/2024/Appeal/11th Meeting, 2024
APPLWRC202414804

Adarsh Shikshak Prashikshan Mahavidyalaya, Khasra No. 1146/372, 372, Village-Deu, Deu Phanta, Khivsar, Nagaur, Rajasthan-341001.	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Mr. Jagdish, Director
Respondent by	Regional Director, WRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

Jagdish

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Adarsh Shikshak Prashikshan Mahavidyalaya, Khasra No. 1146/372, 372, Village-Deu, Deu Phanta, Khivsar, Nagaur, Rajasthan-341001** dated 28.07.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/WRC/2526202402271786/Rajasthan/2024/Rejc/1736** dated 12.07.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per the details provided by the institution on the transition portal, the institution is not recognized for 4-year Integrated B.A. B.Ed./B.Sc. B.Ed. course by NCTE. As per the details provided by the institution on the transition portal, the name of the institution mentioned in the recognition order for 4-year Integrated B.A. B.Ed./B.Sc. B.Ed. course (as applicable) by NCTE does not match with the name mentioned in the transition application."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Jagdish, Director of Adarsh Shikshak Prashikshan Mahavidyalaya, Khasra No. 1146/372, 372, Village-Deu, Deu Phanta, Khivsar, Nagaur, Rajasthan-341001 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that "(i). That this institution is running 2 years B.Ed. course vide NRC, NCTE order no. NRC/NCTE/F-7/RJ-1550/2015/105897-902 dated 27.05.2015. The name of college is Adarsh Shikshak Prashikshan Mahavidyalaya, Deu, Tahsil-Khivsar Distt-Nagaur (Raj.) 341001. Copy of Recognition order is attached. (ii). That this institution had applied for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course to NCTE. NRC, NCTE has taken decision for grant of recognition for B.A. B.Ed./B.Sc. B.Ed. course (2 units) to this institution vide serial no. 53 in 269th Meeting (Part – 9) held from 26.04.2017 to 02.05.2017 in the name of institution but NRC, NCTE had granted recognition for B.A. B.Ed./B.Sc. B.Ed. course (2 units) to this institution vide order No. BRC/NCTE/NRCAPP-201616763/Recognition/269th Meeting (Part – 9)/2017/174323 dated 02.05.2017 in the name of society. Copy of minutes and recognition order is attached. (iii). That this institution had submitted a representation letter to NRC, NCTE



regarding the change of name of institution on 25.05.2017. Copy of representation letter is attached. (iv). That NRC, NCTE had issued a corrigendum letter in respect to change the name of institution from Adarsh Shikshan Prashikshan Sansthan to Adarsh Shikshak Prashikshan Mahavidyalaya vide order no. NRC/NCTE/NRCAPP-201616763/Corrigendum/2017/176288 – 94 dated 30.05.2017. Copy of corrigendum order is attached.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2024 held online on 19th September, 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 Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 05.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 12.07.2024.

The instant matter placed in its 10th Meeting, 2024 held on 14.08.2024. The appellant institution along with its appeal report has submitted a copy of Recognition Order dt. 02.05.2017 for B.A. B.Ed./B.Sc. B.Ed. course with annual intake of 2 units of 50 Students each from the academic session 2017-2018. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the WRC and the institution to submit their report/reply.

The instant matter again placed in its 11th Meeting, 2024 held on 19.09.2024. The Appeal Committee noted that the institution vide letter dated 03.09.2024 received on 09.09.2024 submitted its reply. The Western Regional Committee vide letter no. F. No. WRC/NCTE/NRCAPP201616763-B.A.B.Ed./B.Sc. B.Ed./2024/225509 dt. 11.09.2024 stated as under: -



“It is inform that as per decision of NRC in its 269th (Part – 9) Meeting held on 26th April to 02nd May, 2017 the recognition was granted to the institution namely Adarsh Shikshan Prashikshan Sansthan, Deu, Village – Deu, Street/Road – Deu Phanta, Tehsil/Taluka – Khimsar, Town/City-Deu, District – Nagaur, State – Rajasthan – 341001 for conducting B.A.B.Ed./B.Sc.B.Ed. Integrated programme of 4 (Four) years duration with an annual intake of 100 students (two units) from the academic session 2017-2018 and Change the name Aadrsh Shikshan Prashikshan Mahavidyalaya in place of Aadrsh Shikshan Prashikshan Sansthan vide Corrigendum order no. F.No./NRC/NCTE/NRCAPP-201616763/Corrigendum/2017/176288-94 dated 30.05.2017.”

The Appeal Committee after perusing the documents and oral argument advanced during the hearing the Committee noted that a recognition order vide order No. F.No.NRC/NCTE/NRCAPP-201616763/Recognition/269th Meeting (Part – 9)/2017 dt. 02.05.2017 was issued by the WRC, NCTE. The Maharshi Dayanand Saraswati University, Ajmer has granted the affiliation to the institution.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to revisit the matter and verify the authenticity of the recognition order from the records of WRC, Affiliating body, and if a recognition order has been issued by the WRC, NCTE to the Institution for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC as per provisions of the NCTE Regulations. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to revisit the matter and verify the authenticity of the recognition order from the records of WRC, Affiliating body, and if a recognition order has been issued by the WRC, NCTE to the Institution for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC as per provisions of the NCTE Regulations. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Adarsh Shikshak Prashikshan Mahavidyalaya, Khasra No. 1146/372, 372, Village-Deu, Deu Phanta, Khivisar, Nagaur, Rajasthan-341001.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Higher Education, Department of College Education, Block-IV, Dr. S. Radhakrishnan Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur, Rajasthan-302015.



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 - 03/10/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F.No. 89-41/E-339430/2024/Appeal/11th Meeting, 2024
APPLSRC202414749

Vasavi College of Education, Plot No. 45, Madagadipet, Villupuram-Pondy Highways, Pondicherry, Puducherry-605107.	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Subha. A, Principal
Respondent by	Regional Director, SRC
Date of Hearing	19.09.2024
Date of Pronouncement	03.10.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Vasavi College of Education, Plot No. 45, Madagadipet, Villupuram-Pondy Highways, Pondicherry, Puducherry-605107** dated 18.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO2946/D.T.Ed./PO/2022/138455-138460** dated 23.12.2022 of the Southern Regional Committee, withdrawing the recognition for conducting D.El.Ed. Course on the grounds that “(i) The institution failed to submit reply to the Final Show Cause Notice dated 07.09.2022. (ii) Further it is also observed that the institution has not filled Performance Appraisal Report (PAR).”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Subha. A, Principal of Vasavi College of Education, Plot No. 45, Madagadipet, Villupuram-Pondy Highways, Pondicherry, Puducherry-605107 appeared online to present the case of the appellant institution on 19.09.2024. In the appeal report, it is submitted that “We had received your Final Show Cause Notice dt. 07.09.2022 and promptly we had given the compliance report on 13.09.2022 and were waiting for the Communication. Whereas we got a withdrawal notice dt. 23.12.2022 which has been sent to the old address which we came to know only on 09.05.2023 that too accidentally when we were browsing the minutes of meeting of NCTE, since then we were sending letters and emails for which we did not get any response, also we could not connect to you through phone. Hence, we have chosen to Appeal.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 11th Meeting, 2024 held online on 19th September, 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 D.El.Ed. Course with an annual intake of 100 students vide orders dated 23.12.2022 from the academic session 2006-2007. The recognition of the institution for D.El.Ed. programme was withdrawn by the SRC vide order dated 23.12.2022.

The instant matter was placed in its 9th Meeting, 2024 held on 15.07.2024. The Appeal Committee perused the documents submitted in the appeal by the appellant institution. The Appeal Committee noted that there is 10 months delay in filing of Appeal. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (Second) opportunity to the appellant institution and the institution was required to submit an affidavit to explain the reason for delay in filing appeal and file an application for condonation of delay.

The instant matter placed in its 10th Meeting, 2024 held on 14.08.2024. The Appeal Committee during the online hearing of appeal, the institution has explained the delay. The institution prayed for condonation of delay in filling of Appeal and submitted that "Vasavi Teacher Training Institute, Madagadipet Pondicherry was functioning in No. -6, 6th Cross, Brindavanam, Pondicherry – 605016, when the NCTE members visited for inspection in 2005 as the present building was nearing completion at that time. Immediately after one month, Vasavi Teacher Training Institute and Vasavi College of Educatin both moved to the new Building in Madagadipet 'NH-45-A, Villupuram-Pondy Main Road Madagadipet Pondicherry." The change in address 'issue of shifting' has been rectified with NCTE, with due procedure – proof attached Annexure-1. Vasavi Teacher Training Institute got a SCN on 02.08.2022 from NCTE, which was received on 18/08/2022 and immediately we have sent a compliance report on 25.08.2022. We also got the acknowledgement that the letter has been received at your end – proof attached Annexure-2. Again, we got a final SCN on 07.09.2022 which has been treated with atmost sincerity and we had given a compliance report on 13.09.2022, which had been received at your end. Finally, on 23.12.2022 NCTE has issued a withdrawal notice for D.El.Ed. programme at Vasavi which was sent to the old address "Vasavi Teacher Training Institute, No. 6, 6th Cross, Brindavanam, Pondicherry-605016." And we were not aware of it. Accidently when we were going through NCTE site minutes of meeting on 09.05.2023. We found that our



recognition for D.El.Ed. has been withdrawn on 23.12.2022 the reason being “No response to SCN and FSCN from NCTE” – whereas we had promptly responded for SCN and FSCN within the stipulated time. We came to know about the withdrawal only on 09.05.2023, by the time, the time for appeal has also lapsed. Now since the appeal window got opened, we had applied on 18.12.2023 No. APPLSRC2023/4749. Kindly condone the delay and help us out in this regard, as we would like run D.El.Ed. course with one basic unit. In view of the above, the Committee accepted the submission made by the institution regarding the delay in filling of appeal and accordingly the Committee decided to condone the delay, as such delay in filing of appeal is hereby condoned. 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 institution was required to submit the documents mentioned therein.

The instant matter again placed before the Appeal Committee in its 11th Meeting, 2024 held on 19.09.2024 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 23.12.2022: -

- (i) A copy of faculty list (1+15) members duly approved by the Registrar, Pondicherry University, Puducherry.
- (ii) A copy of land documents alongwith building plan, land use certificate, building completion certificate etc.
- (iii) A copy of Encumbrance Certificate dt. 30.11.2020 issued by Sub Registrar, Thirukkanur.
- (iv) A copy of order vide no. F.No.SRO/NCTE/APSO2946/D.T.Ed./PO/2018-19/97661 dt. 18.06.2018 for reduction of intake from 2 units to 1 unit.
- (v) A copy of Form 'A' issued by PNB, Branch Manager.
- (vi) A copy of affidavit on Rs.100/- stamp paper.

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the impugned order dated 23.12.2022, required to be verified 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 SRC is required to verify the documents submitted in appeal from the concerned affiliating University/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 order dated 23.12.2022 is set-aside as the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC with a direction to verify



documents, submitted in Appeal from the concerned affiliating University/authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC 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 SRC with a direction to verify the documents submitted in Appeal from the concerned affiliating University/authority. The Appellant institution is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the SRC 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, Vasavi College of Education, Plot No. 45, Madagadipet, Villupuram-Pondy Highways, Pondicherry, Puducherry-605107.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. The Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Directorate of School Education Department, Govt. of Puducherry "A" Block, I Floor, Perunthalaivar Kamaraj Centenary Educational Complex, 100ft Road, Anna Nagar, Puducherry - 605005.