



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-190/E-260351/2022 Appeal/4<sup>th</sup> Meeting, 2023  
APPLNRC202214416**

Vidyarthi Snatak Mahavidyalya, 8,9, Bardiha, Jagdishpur Dharmdani, Gorakhpur, Kushi Nagar, Uttar Pradesh-274149	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Lokesh Pandey, Manager</b>
<b>Respondent by</b>	<b>Regional Director, NRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUNDS OF WITHDRAWAL**

The appeal of Vidyarthi Snatak Mahavidyalya, 8,9, Bardiha, Jagdishpur Dharmdani, Gorakhpur, Kushi Nagar, Uttar Pradesh-274149 dated 07.04.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **No.F.NRC/NCTE/UP-1608-B.Ed. & UP-2457-B.Ed.(Addi.)/323<sup>rd</sup> (Virtual) Meeting/2020/213068** dated 08.02.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution has not submitted approved Building Plan issued by the Competent Govt. Authority. (ii). Original FDRs of Rs. Seven Lakh and Five lakh of nationalized bank towards Endowment fund and Reserved Fund are not submitted as per provision of NCTE Regulations, 2014. (iii). Building Plan is not issued by the Competent Government Authority. (iv). The recognition of B.Ed. Additional intake course to be withdrawn from the academic session 2021-2022. (v). The institution is required to submit composite status.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Mr. Lokesh Pandey, Manager of Vidyarthi Snatak Mahavidyalya, 8,9, Bardiha, Jagdishpur Dharmdani, Gorakhpur, Kushi Nagar, Uttar Pradesh-274149** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: “Map of the building signed by competent Govt. authority, building completion certificate signed by competent govt. authority with area of the land, all the teaching rooms according to their faculty names, 2000 SQ.FT. multipurpose hall and 1000 SQ.FT. library, plot number details, covered area and built up area marked on the map along with it, FDR of 7 lakh and 5 lakh Endowment and Reserved fund, sent by registered post on 04.10.2020, 11.11.2020, 28.11.2020, 11.01.2021. It has been sent whenever asked for recognition is cancelled after receipt of documents required. In contempt case petition number 2776, in the year 2020, many times court ordered to consider the case, but NRC withdraw the recognition. Whereas the order dated 18.12.2019 passed in the petition number 42069 of the hon’ble High Court, dated 18.12.2019, in which an order was passed to modify one unit of 100 into two units of 50-



50. When this was not complied with for 7 months, I had filed a contempt petition. Recognition of B.Ed. additional was issued after fulfilment of the then restrictions and by imposing revised rules and restrictions, the old recognition was cancelled by making fast allegations. High Court Allahabad has passed an order dated 31.05.2022 in Writ No. 11900 to consider the appeal and to decide the case on merits.”

### III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. 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 28.07.2005 and again the appellant institution was granted recognition for B.Ed. course of One year duration with an annual intake of 100 students vide order dated 30.05.2012. The recognition of the institution was withdrawn vide order dated 08.04.2014. Subsequently the NRC issued restoration of recognition order to the institution vide order dated 02.06.2017 for 100 intake (2 units) for B.Ed. course (Existing – Basic).

The institution filed Writ C No. 42069 of 2019 in the High Court of Allahabad and Hon'ble High Court passed or order dated 18.12.2019 & the institution has submitted Court order vide letter dated 23.12.2019, 19.12.2019 & 03.02.2020. The matter was placed before NRC in its 313<sup>th</sup> (Part-2) Meeting held from 25<sup>th</sup> to 27<sup>th</sup> February, 2020 and the Committee decided to issue Show Cause Notice u/s 17 of the NCTE Act, 1993 giving 30 days' time for submission of reply on the following grounds: -

- i. In compliance of the court order dated 18.12.2019 received in NRC on 27.12.2019, the Committee decided to issue revised recognition order.
- ii. The institution has submitted the approved Building Plan signed by the Competent Govt. Authority, however, the details with regard to the name of the course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multi-purpose Hall as well as the other infrastructural facilities such as classrooms etc., have not been indicated thereon.
- iii. Original FDRs of Rs. Seven Lakh and Five Lakh of nationalized bank towards Endowment fund and Reserved Fund respectively is required.



- iv. The institution has not submitted the Building Completion Certificate signed by the Competent Authority.

**Hence, Show Cause Notice under Section 17 of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of Show Cause Notice.**

The institution filed Contempt Application (Civil) No. – 2276 of 2020 in the High Court of Allahabad and Hon'ble Court passed an order dated 31.07.2020.

The matter was placed before NRC in its 316<sup>th</sup> Emergent (Virtual) Meeting held from 28<sup>th</sup> to 31<sup>st</sup> August, 2020 and the Committee decided as follows:-

“In compliance with the Hon'ble High Court of Uttar Pradesh at Allahabad, vide Order dated 18.12.2019 passed in Writ No. C 42069/2019 & Order dated 31.07.2019 passed in Contempt Application (C) 2276/2020, NRC has considered the decisions of the Hon'ble Court, whereas decision of the 313<sup>th</sup> Meeting of NRC i.e., for Show Cause Notice which will be communicated to the institution on the same grounds.”

- i. In compliance of the court order dated 18.12.2019 received in NRC on 27.12.2019, the Committee decided to issue revised recognition order.
- ii. The institution has submitted the approved Building Plan signed by the Competent Govt. Authority, however, the details with regard to the name of the course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multi-purpose Hall as well as the other infrastructural facilities such as classrooms etc., have not been indicated thereon.
- iii. Original FDRs of Rs. Seven Lakh and Five Lakh of nationalized bank towards Endowment fund and Reserved Fund respectively is required.
- iv. The institution has not submitted the Building Completion Certificate signed by the Competent Government Authority.

The institution filed Court Order dated 19.10.2020 passed by the Hon'ble Court Allahabad Contempt Application (Civil) No. 2276 of 2020.

The matter was considered by Northern Regional Committee in its 319<sup>th</sup> (Virtual) Emergent Meeting held on 29<sup>th</sup> October, 2020 and decided as under:

In the Compliance of the order dated 19.10.2020 of the Hon'ble High Court of Allahabad vide Contempt Application (Civil) 2276/2020, the Committee has considered



the decision and took the following decision as per NCTE Act, 1993, Rules and Regulations, 2014.

The institution has not submitted reply of First Show Cause Notice under Section-17 of NCTE Act, 1993 vide dated 08.09.2020 of NRC on the following grounds:

- i. In compliance of the court order dated 18.12.2019 received in NRC on 27.12.2019, the Committee decided to issue revised recognition order.
- ii. The institution has submitted the approved Building Plan signed by the Competent Govt. Authority, however, the details with regard to the name of the course, name of the institution, Khasra No./Plot No., total land area, total built-up area and the measurements of the Multi-purpose Hall as well as the other infrastructural facilities such as classrooms etc., have not been indicated thereon.
- iii. Original FDRs of Rs. Seven Lakh and Five Lakh of nationalized bank towards Endowment Fund and Reserved Fund respectively is required.
- iv. The institution has not submitted the Building Completion Certificate signed by the Competent Government Authority.

**Hence, Final Show Cause Notice under Section 17 of the NCTE Act, 1993 be issued to the institution to submit reply within 30 days from the date of issue of show cause notice.**

Accordingly, a Final Show Cause Notice U/S 17 (1) was issued to the institution on 12.11.2020. The institution has submitted reply of Show Cause Notice u/s on 18.11.2020 & 08.12.2020. The matter was considered by the Northern Regional Committee in its 323<sup>rd</sup> (Virtual) Meeting held on 17<sup>th</sup> December, 2020 and the Committee decided as under:

In compliance with the Hon'ble High Court of Delhi at New Delhi Order dated 18.12.2019 & 09.12.2020 passed in C.W.P. No. 42069/2019 & Contempt Case No. 2276/2020 respectively, the Committee has considered Court Order and representation of the institution and decided to issue Show Cause Notice to the institution in 319<sup>th</sup> Meeting of NRC and reply thereon submitted by the institution, which has been considered by NRC and decided as under:

- i. The institution has not submitted approved Building Plan issued by the Competent Govt. Authority.



- ii. Original FDRs of Rs. Seven Lakh and Five Lakh of nationalized bank towards Endowment fund and Reserved Fund are not submitted as per provision of NCTE Regulations, 2014.
- iii. Building Plan is not issued by the Competent Government Authority.
- iv. The recognition of B.Ed. Additional Intake course to be withdrawn from the academic session 2021-2022.
- v. The institution is required to submit composite status.

**Hence, NRC decided to withdraw the recognition of B.Ed. Additional Intake course under Section 17 of the NCTE Act, 1993 from the end of the academic session next following the date of communication of withdrawal order i.e., 2021-2022. A detailed withdrawal order be issued to the institution for respective course.**

The recognition of the institution for B.Ed. programme (B.Ed. Additional Intake) was withdrawn by the NRC vide order dated 08.02.2021.

The instant matter was placed in 6<sup>th</sup> Meeting, 2022 of Appellate Committee held on 02.09.2022. The Appellate Committee vide order dated 13.09.2022 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 and observed that the institution is still deficient in various documents and**

**NRC was justified in withdrawing recognition of the appellant institution as they are failed to rectify the deficiencies.**

**In these circumstances, the Appeal Committee concluded that the instant appeal deserved to be rejected and therefore the impugned order of NRC 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 instant appeal deserved to be rejected and therefore the impugned order of NRC is confirmed.”**

The appellant institution moved a writ petition before the Hon'ble High Court of Judicature at Allahabad bearing W.P.C. No. 3520/2023 titled Vidhyarthi Post Graduate College & Anr V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 23.02.2023 issued following direction upon the Appellate Authority: -



“...It is argued by learned counsel for the petitioners that recognition to petitioners’ institution was granted earlier vide order dated 30.05.2012, which was withdrawn by the respondent no.2 vide order dated 08.02.2021, copy of which is appended as annexure 23 to the writ petition. Against the aforesaid order statutory appeal as provided under Section 18 of The National Council for Teacher Education Act, 1993 was filed by the petitioners before the appellate authority namely respondent no.1- Member Secretary, National Council of Teachers Education (NCTE) New Delhi. The said appeal was rejected by him vide order dated 13.09.2022. Aggrieved by the aforesaid orders namely order dated 08.02.2021 as well as 13.09.2022 the petitioners have preferred present writ petition.

Apart from various arguments none of the arguments has been taken by the counsel for the petitioners that the appellate authority has passed the order without application of mind. The decision taken by the appellate authority reads as follows:-

*“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 instant appeal deserved to be rejected and therefore the impugned order of NRC is affirmed.”*

It reveals that the appeal filed by the petitioner before the respondent no.1 is statutory in nature hence Court is of the opinion that appeal should be decided by giving cogent reasons in so far as present writ petition is concerned, it is clear from perusal of the decision taken by the appellate authority that no reasons whatsoever has been assigned by him while rejecting the same.

In this view of the same, Court is of the opinion that the order passed by the appellate authority being a non-speaking order is liable to be set aside.

The appellate authority is directed to pass fresh order strictly in accordance with law after giving opportunity of hearing to the petitioners expeditiously and preferably within a period of two months from the date of receipt of certified copy of this order.”

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of approved Building Plan alongwith a copy of Building Completion Certificate.
- (ii) A copy of Form ‘A’ alongwith copies of FDRs towards Endowment Fund & Reserve Fund.
- (iii) A copy of recognition order dated 8.3.2010 for D.El.Ed. (1 unit) and order dated 3.11.2017 for D.El.Ed. (Additional 1 unit)

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 08.02.2021. The Appeal Committee

noted that the Northern Regional Committee (NRC) while granting recognition itself has ensured land & building and other infrastructure related requirements of the appellant institution which had been verified by the NRC twice and found appropriate.

The Committee also noted that the appellant institution has been granted not only initial recognition for B.Ed. course but also recognition for additional intake.

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 08.02.2021 is set-aside and 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 consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt



of order of the Appeal. The NRC is at a liberty to verify the submitted documents from the concerned issuing authority.

**IV. DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The NRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Vidyarthi Snatak Mahavidyalya, 8,9, Bardiha, Jagdishpur Dharmdani, Gorakhpur, Kushi Nagar, Uttar Pradesh-274149**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-51/E-293445/2023 Appeal/4<sup>th</sup> Meeting, 2023  
APPLSRC202314563**

Sabira Urdu D.El.Ed. College, 1691, 1692, 1693, 1694, 1695, 1696, 1698, 1690, Kerebilachi, SBI Main Road, Channagiri, Davangere, Karnataka-577218	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Representative of the institution</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of Sabira Urdu D.El.Ed. College, 1691, 1692, 1693, 1694, 1695, 1696, 1698, 1690, Kerebilachi, SBI Main Road, Channagiri, Davangere, Karnataka-577218 dated 04.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRC/NCTE/APSO9273/D.Ed./{KA}/2022/(138042-138046) dated 14.12.2022 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "The institution was issued a Show Cause Notice (SCN). The institution has submitted its reply on 15.09.2022. The Committee perused the reply submitted by the institution and found the following deficiencies. (i). The institution has not submitted approved faulty list. (ii). The building plan submitted by the institution is neither approved by the competent authority nor legible. (iii). The institution did not submit English translated copy of Land Use Certificate and Non-Encumbrance Certificate. (iv). The institution did not submit Building Completion Certificate under prescribed format. (v). The institution has submitted only FDRs of Rs. 5+3 Lakhs which is not sufficient as per NCTE Regulation. The institution did not submit details alongwith original copy of Form 'A' issued by the bank regarding maintenance of FDRs towards Endowment and Reserve Funds."

### **II. SUBMISSIONS MADE BY APPELLANT: -**

The representative of Sabira Urdu D.El.Ed. College, 1691, 1692, 1693, 1694, 1695, 1696, 1698, 1690, Kerebilachi, SBI Main Road, Channagiri, Davangere, Karnataka-577218 appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: "We had submitted the documents unfortunately the documents were missing, now will furnishing the required documents."

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record



and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. Appeal Committee noted that the appellant institution was granted recognition for D.Ed. Course with an annual intake of 50 students vide order dated 22.09.2008. The recognition of the institution for D.Ed. programme was withdrawn by the SRC vide order dated 14.12.2022.

The Appeal Committee in its 4<sup>th</sup> Meeting, 2023 held on 29.03.2023 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 did not submit a list of faculties duly approved by the affiliating body.
- (ii) The institution has not submitted Form 'A' issued by the concerned Bank. The institution has submitted copies of the FDRs for Rs. 5 lacs and Rs. 3 lacs which is not sufficient as per NCTE Regulations, 2014.
- (iii) The institution has not submitted Building Completion Certificate as per the prescribed format.

Hence, the Appeal Committee is of the view that the appellant institution is still deficient on the above grounds. The 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 14.12.2022 issued by SRC 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 SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 14.12.2022 issued by SRC is confirmed.**

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

**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Sabira Urdu D.El.Ed. College, 1691, 1692, 1693, 1694, 1695, 1696, 1698, 1690, Kerebilachi, SBI Main Road, Channagiri, Davangere, Karnataka-577218**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.





**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT**

**File No. 89-54/E-295043/2023 Appeal/4<sup>th</sup> Meeting, 2023  
APPLWRC202314567**

Vikram University, Ujjain, 156, Kothi Road, Vikram University, Campus, Ujjain, Madhya Pradesh-456010	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Prof. Akhilesh Kumar Pandey, Vice Chancellor</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF REFUSAL**

The appeal of **Vikram University, Ujjain, 156, Kothi Road, Vikram University, Campus, Ujjain, Madhya Pradesh-456010** dated 24.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/WRC/2324202205241147/MADHYA PRADESH/2022/REJC/148** dated 17.01.2023 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed./ B.Sc. B.Ed. Course on the grounds that "The University has not obtained the recommendation of the State Govt./U.T. Administration."

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Prof. Akhilesh Kumar Pandey, Vice Chancellor of Vikram University, Ujjain, 156, Kothi Road, Vikram University, Campus, Ujjain, Madhya Pradesh-456010** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: "Office of the Commissioner Higher Education Govt. of MP Bhopal issued letter no. 216/499/Higher Education / Aff. Dated 17.02.2023..... That University is an autonomous institution and there is no separate requirement of a No Objection Certificate by the Higher Education Department for the course being conducted by the University. Therefore, after getting recognition from the National Teacher Education Council, Vikram University Ujjain, B.Sc. B.Ed. and B.A. B.Ed. can conduct the course."

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. 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 26.05.2022. The recognition of the institution for B.A. B.Ed./ B.Sc. B.Ed. programme was refused by the WRC vide order dated 17.01.2023.



The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 submitted a copy of letter dated 17.02.2023 issued from the office of the Commissioner, Higher Education Department, Madhya Pradesh wherein it is categorically communicated that the appellant institution is an autonomous body and there is no requirement of taking NOC from the State Govt. for the programmes being run by the University. The State Govt. further informed that after obtaining the recognition from the NCTE, the University may run the programme.

After considering the appeal memoranda and documents submitted by the institution, the Committee in view of the letter dated 17.2.2023 noted that the question of NOC in the matter of appellant institution does not arise and decided to remand back the matter to the WRC to decide the matter a fresh.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.



**IV. DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. **The Principal, Vikram University, Ujjain, 156, Kothi Road, Vikram University, Campus, Ujjain, Madhya Pradesh-456010**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh.



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

**Date /दिनांक - 10/04/2023**

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील  
**File No. 89-55/E-290104/2023 Appeal/4<sup>th</sup> Meeting, 2023**  
**APPLNRC202214370****

Sant Ramkrishna Kanya Mahavidyalaya, 3, Shivpuri, Agra, Balkeshwar, Agra, Uttar Pradesh-282005	<b><u>Vs</u></b>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Ravi Kant Chawla, Director</b>
<b>Respondent by</b>	<b>Regional Director, NRC</b>
<b>Date of Hearing</b>	<b>29.03.2023</b>
<b>Date of Pronouncement</b>	<b>10.04.2023</b>

## ORDER/आदेश

### **I. GROUND OF REFUSAL**

The appeal of **Sant Ramkrishna Kanya Mahavidyalaya, 3, Shivpuri, Agra, Balkeshwar, Agra, Uttar Pradesh-282005** dated 19.05.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NRC/NCTE/UP-1243- B.Ed., UP-2327-B.Ed. (Addi.) & UP-2708-B.Ed. (Addi.)/365<sup>th</sup> (Part-1) (Blended Mode) Meeting/2022/1217745-753** dated 28.03.2022 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “(i). Latest faculty list approved by the affiliating body is not submitted. (ii). The institution has not submitted last six-month salary statement of the faculty members. (iii). The institution website has no details of the faculty details available.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Mr. Ravi Kant Chawla, Director of Sant Ramkrishna Kanya Mahavidyalaya, 3, Shivpuri, Agra, Balkeshwar, Agra, Uttar Pradesh-282005** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: “(i). All staff approved by Dr. Bhim Rao Ambedkar University, Agra (List attached). (ii). We have to pay salary on the mode of Chq/online (Statement attached). (iii). The faculty data has been uploaded on the website (Screen shot attached).”

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. Appeal Committee noted that the appellant institution had submitted an application to the Northern Regional Committee for grant of recognition for seeking permission for running the B.Ed. Course and the recognition was granted on 10.08.2004. Thereafter, permission was also granted for additional intake of 100 seats in B.Ed. (Addl.) Intake on 27.11.2007. Thereafter the permission for additional intake of 100 seats was granted to



the institution on 23.08.2008, since then the institution is running for B.Ed. programme for 300 seats. The revised recognition order dated 06.06.2015 was granted to the institution for 200 seats i.e., 4 basic unit. A corrigendum dated 28.07.2015 was issued for B.Ed. course of 2-year duration with an annual intake of 300 seats (6 units of 50 students each). The recognition of the institution was withdrawn vide order dated 28.09.2020.

In the Compliance of the order dated 25.09.2020 of the Hon'ble High Court of Delhi at New Delhi vide W.P.(C) 6159/2020 & CM APPL. No. 22082/2020, the Committee has considered the decision and took the following decision as per NCTE Act, 1993, Rules and Regulations, 2014.

1. The institution is permitted to given admission to the students for the academic session 2020-2021. The withdrawal order will be effective from the academic session 2021-2022. The institution will not be permitted to admit students from the next academic session 2021-2022 in B.Ed. Course.

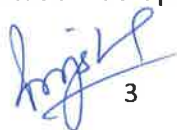
**Hence, a letter be issued to the University/affiliating body and concerned State Government and copy endorsed to the institution accordingly.**

Accordingly, a letter dated 08.11.2020 was issued to Registrar & Principal Secretary.

The institution filed appeal with NCTE, and the Appellate Authority vide their order dated 18.03.2021 and the Council hereby confirms the Order appealed against. The Institution filed Writ Petition No.-5047/2021 & CM APPL. 15451/2021 in the High Court of New Delhi and Hon'ble High Court passed an order dated 28.04.2021.

The matter was considered by NRC in its 338<sup>th</sup> (Virtual) Meeting held on 27<sup>th</sup>, 28<sup>th</sup> & 29<sup>th</sup> July, 2021 and the Committee decided as under:

In the light of the order passed by Hon'ble High Court of Delhi in W.P. No. 5047/2021 vide dated 28.04.2021 the Committee has decided to communicate the concerned Affiliating University as well as the concerned Department of Education of the State Government, that the withdrawal order dated 28.09.2021 would be effective from the end of the academic session 2021-22. Accordingly, recognition status of the institution be updated on website of the NRC, NCTE.



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Accordingly, a letter dated 10.08.2021 was issued to Registrar & Principal Secretary

The matter was considered by NRC in its 365<sup>th</sup> (Part-1) (Blended Mode) meeting held on 08<sup>th</sup> & 09<sup>th</sup> March, and the Committee decided as under:

1. The institution was permitted to take part in the counselling process for th session 2021-2022 as per the direction of the Hon'ble High Court, Delhi vide W.P. © 6159/2020 and CM APPL. No. 22082/2020 but the institution has not submitted any document till date.
2. As per appeal order no. 89-26/E-174883/2021/8<sup>th</sup> Mtg. 2021 dated 24/02/2021 the order issued by NRC for withdrawal was confirmed as the institution has not submitted any documents

The Committee has gone through the letter submitted with the Hon'ble High Court, Delhi order dt. 28<sup>th</sup> April, 2021.

The institution has not submitted any documents for following so the committee found the institution deficient on the following point:

1. Latest faculty list approved by the affiliating body is not submitted.
2. The institution has not submitted last six-month salary statement of the faculty members.
3. The institution website has no details of the faculty details available.

**Hence, the Committee decided that the rejection order issued to the institution dt. 28.09.2021 stands from the session 2022-2023, the same is quoted in the order of the Hon'ble High Court, Delhi order dt. 28<sup>th</sup> April, 2021 "In view of the fact that the impugned order of NRC was passed on 28.09.2020 is undisputed that it would take effect only from the end of the academic session 2021-2022"**

The recognition of the institution for B.Ed. programme was refused by the NRC vide order dated 28.03.2022.

The Committee noted that the Regional Committee has issued refusal order instead of withdrawal order, infect once the recognition order has been issued then withdrawal order if any has to be passed.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023



submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of required faculty list approved by the Registrar of Dr. Bhim Rao Ambedkar University, Agra as per provision of NCTE Regulation, 2014 alongwith salary statement
- (ii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 28.03.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Northern Regional Committee 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 28.03.2022 is set-aside and the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

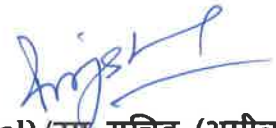


Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The NRC is at a liberty to verify the submitted documents from the concerned issuing authority.

#### **IV. DECISION: -**

**After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The NRC is at a liberty to verify the submitted documents from the concerned issuing authority.**

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

- 1. The Principal, Sant Ramkrishna Kanya Mahavidyalaya, 3, Shivpuri, Agra, Balkeshwar, Agra, Uttar Pradesh-282005**
- 2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-57/E-296091/2023 Appeal/4<sup>th</sup> Meeting, 2023  
APPLERC202314575**

Indira Gandhi Teachers Training College, Plot No. 1112, Talandu, Talandu Station Road, Chinsura-Mogra, Hooghly, West Bengal-712148	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Firoz Halder, Chairman</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF APPEAL**

The appeal of Indira Gandhi Teachers Training College, Plot No. 1112, Talandu, Talandu Station Road, Chinsura-Mogra, Hooghly, West Bengal-712148 dated 12.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-236.12.7(P-2)/ERCAPP2564/B.Ed./2017/52568 dated 26.04.2017 of the Eastern Regional Committee, granting recognition for conducting B.Ed. Course issued for one unit of the intake of 50 students.

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Mr. Firoz Halder, Chairman of Indira Gandhi Teachers Training College, Plot No. 1112, Talandu, Talandu Station Road, Chinsura-Mogra, Hooghly, West Bengal-712148** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: "(i). The appeal is being preferred against the recognition order dated 26.04.2017 which is issued for one unit of the intake. Against minimum four units for which we have created infrastructure and instructional facilities. We have also appointed adequate number of faculty members. (ii). We have been regularly writing to the ERC to reconsider our request since the date of recognition so as to make optimum utilization of facilities created, therefore adequate number of seats are bare minimum. We have written more than 10 letters to the ERC and visited several times the office of the ERC in person and met the Regional Director. Every time we were given assurance that our case is under active consideration as the ERC committed a mistake in while deciding intake in the formal recognition order. (iii). This is only the reason of delay in submission of appeal. We would have submitted appeal much earlier if we had not been assured that the case would be placed in next meeting for reconsideration. (iv). At some point of time we were also informed that the ERC office is under shifting process from Bhubaneswar to New Delhi. After having been shifted the ERC office to New Delhi. We thought now the process will be faster and transparent but even thereafter no fruitful result could be achieved, and we are at the



state of having only one unit of approved intake in B.Ed. programme, that is too merger to make system functional effectively.”

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. (50 intake) vide order dated 26.04.2017.

The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 submitted that the appeal is being preferred against the recognition order dated 26.04.2017 which is issued for one unit of the intake instead of four units for which the appellant institution has created infrastructure and instructional facilities etc.

The Appeal Committee noted that the appellant institution has submitted application and other support documents seeking recognition for B.Ed. course from ERC on 1.6.2015. The Appeal Committee also noted that the documents submitted with the application related to land & building make a mention of land area of 2995.07 sq. meter and built-up area of 2002.41 sq. meter for B.Ed. course alongwith an Affidavit to run the B.Ed. programme for an annual intake of 50 (fifty) students. The Visiting team visited the appellant institution and in its VT report noted the following: -

**“The total built-up area as per the building plan is 3175 sq. m. The institution is running D.El.Ed. course with an annual intake of 50 and has proposed to run B.Ed. additional course. As the new structure constructed has good number of classroom and instructional area to run the B.Ed. course with an annual intake of 50 student i.e., 1 unit. On the basis of above observation, the VT would like to suggest ERC, NCTE to give recognition for one unit of B.Ed. course from the running academic session 2016-17.”**

The Appeal Committee noted that as per the documents submitted with Appeal Memoranda and records of ERC, NCTE pertaining to land and building of the institution

  
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reveals that the institution is eligible for 1 (one) unit of B.Ed. programme as per provision of the NCTE Regulations, 2014.

The Appeal Committee further noted that the appellant did not submit their appeal within the stipulated period 60 days as per NCTE appeal Rules. The Committee noted that there is five years and nine months delay in filling the instant appeal. The institution has failed to explain the delay, as such the delay cannot be condoned without any justification.

The Appeal Committee concluded that the ERC was justified in granting the recognition of B.Ed. programme with an annual intake of 1 (one) basic unit and decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 26.04.2017 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 decided that the instant appeal deserves to be rejected and, therefore, the impugned order dated 26.04.2017 issued by the ERC is confirmed.**

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

  
**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

1. **The Principal, Indira Gandhi Teachers Training College, Plot No. 1112, Talandu, Talandu Station Road, Chinsura-Mogra, Hooghly, West Bengal-712148**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of West Bengal.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-60/E-296586/2023 Appeal/4<sup>th</sup> Meeting, 2023  
APPLWRC202314561**

Gyan Shiksha Mahavidyalaya, 486, Delmi, Mandu Road Dhar, Dhar Madhya Pradesh-454001	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Representative of the institution</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Gyan Shiksha Mahavidyalaya, 486, Delmi, Mandu Road Dhar, Dhar Madhya Pradesh-454001** dated 10.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **No.WRC/APW05669/223615/B.Ed./310<sup>th</sup>/2019/205552** dated 28.08.2019 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The staff profile of 1+9 is insufficient for approved intake of two basic units and also staff at Sr. No. 08 and 09 are not having in P.G. subject."

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**The representative of Gyan Shiksha Mahavidyalaya, 486, Delmi, Mandu Road Dhar, Dhar Madhya Pradesh-454001** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: "Dear Sir, by your office NCTE WRC the colleges B.Ed. The recognition of the course was withdrawn on 20.03.2019. In this the colleges stand is as follows: - (i). That after the withdrawal of recognition, the college filed a case against NCTE WRC in the Delhi High Court. (ii). That the order of withdrawal of recognition was stayed by the Delhi High Court Dated 17.08.2020. (iii). That on the basis of Delhi High Court's Order, NCTE WRC had written a letter to Higher Education Department on 25.08.2020 for restoration of recognition and adding the name of the college to the recognized list. (iv). That according to the order of Delhi High Court dated 12.01.2023, the college has to appeal within one month. (v). That the grounds of appeal of the college are as under: - 5.1 The college has been awarded B.Ed. was recognized. 5.2 the college was inspected on 09.01.2015. 5.3 Show Cause Notice was issued to the college on 01.12.2016, In which approved staff list was sought. 5.4 The reply to the Show Cause Notice dated 20.12.2016 was sent by the college through speed post. 5.5 When the college representative went to meet at the Bhopal office of NCTE WRC in the month of January, it was told that no reply has been received to your show cause notice. 5.6. the college representative presented the reply again on January 12, 2017 by appearing personally. 5.7 After this, the recognition



of the college was withdrawn on 28.08.2019, in which three points have been mentioned: - A) the reply was received late. B) List of only 1+9 Teaching staff is given. C) PG of one staff have less than 55 college side 1. The reply was sent by the college on 20.12.2016 by speed post. 2. Answered again on January 12, 2017, the complete 16 staff list was submitted by the college. 3. P.G. is not less than 55. It was a clerical mistake which was later brought to the notice of the eligible. 4. List of present teaching staff of the college is attached.”

### III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course vide order dated 29.07.2008. A revised provisional recognition order was issued to the institution on dt. 31.05.2015 for conducting B.Ed. course of two basic unit of 50 students each. The recognition of the institution for B.Ed. programme was withdrawn by the WRC vide order dated 28.08.2019.

The Appeal Committee in its 3<sup>rd</sup> Meeting, 2023 held on 29.03.2023 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 recognition of the institution was withdrawn by the WRC vide order dated 28.8.2019 on the ground that the staff profile of 1+9 is insufficient for approved intake of two basic unit. The faculty list of (1+15) submitted by the institution with Appeal Memoranda is a photocopy document and said document do not mention the date of approval of the same.
- (ii) It has been observed that only (1+9) faculty list was submitted to WRC, NCTE before the withdrawal of recognition and at present (1+15) faculty list has been submitted showing the appointment of faculty before 9.6.2017. It appears that the institution has manipulated the faculty list and submitted the same to the Appeal Committee.
- (iii) As per the faculty list submitted only 2 (two) faculty has been shown having NET/SLET qualification. Thus, the institution failed to submit qualified faculty list as required vide notification dated 9.6.2017



- (iv) Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET/SLET etc. and experience certificate of the Principal.

Hence, the Appeal Committee is of the view that the appellant institution is still deficient on the above grounds. The 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 28.08.2019 issued by WRC 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 WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 28.08.2019 issued by WRC is confirmed.**

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Gyan Shiksha Mahavidyalaya, 486, Delmi, Mandu Road Dhar, Dhar Madhya Pradesh-454001**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-61/ 2023 Appeal/4<sup>th</sup> Meeting, 2023**

**APPLERC202314536**

Barnagar B.Ed. College, 575/709, Niz-Damka, NH 31, Sorbhog, Chawka Boushi, Barpeta, Assam-781317	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Mr. Santosh Chhetry, Representative</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Barnagar B.Ed. College, 575/709, Niz-Damka, NH 31, Sorbhog, Chawka Boushi, Barpeta, Assam-781317** dated 18.01.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-313.49/AS-S/N-6/2000/B.Ed./AS/2022/66920** dated 24.11.2022 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). As per provision contained in Section 12 (j) & (k) of the NCTE Act, 1993, the institution was asked to fill up the Performance Appraisal Report (PAR) for the academic session 2020-21, however, the institution has not filled up the same. (ii). Therefore, as per decision taken by Erc in its 306<sup>th</sup> meeting held on 12<sup>th</sup> to 13<sup>th</sup> July, 2022, Show Cause Notice under Section 17(1) of NCTE Act, 1993 was issued to the institution for not filling PAR on the ground that the institution has breached the condition of recognition as per the provision of Clause 8 (12) of NCTE Regulations, 2014 and also clause 7 (14) of NCTE, Regulations, 2014 which is relating to uploading information on the website, if the web site of the institution is not working. (iii). Further, as per decision taken by Erc in its 311<sup>th</sup> meeting held on 11<sup>th</sup> October 2022, Final Show Cause Notice was issued to the institution for not submitting the reply of Show Cause Notice issued to it. (iv). The Committee further noted that the institution has not submitted the reply of Final Show Cause Notice.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Mr. Santosh Chhetry, Representative of Barnagar B.Ed. College, 575/709, Niz-Damka, NH 31, Sorbhog, Chawka Boushi, Barpeta, Assam-781317** appeared online to present the case of the appellant Institution on 29.03.2023. In the appeal memoranda it is submitted that: “Delay in receiving. We received final show cause on 18.11.2022 which was issued on 28.10.2022. In between before our receiving the final show cause, ERC in its 313<sup>th</sup> meeting virtually held on 16.11.2022 our withdrawal order issued. We replied to final show cause notice within 3 days after receiving (21.11.2022).”



### III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 50 students vide order dated 15.06.2001. A revised provisional recognition order was issued to the institution on dt. 23.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 students (one basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 24.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of faculty list (1+10) members approved by Registrar of affiliating University as per provision of NCTE Regulations, 2014.
- (ii) A copy of approved building plan alongwith Building Completion Certificate (BCC) approved by the Competent Authority.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Hon'ble High Court of Delhi order dated 13.03.2023 passed in LPA 190/2021 & LPA 520/2022 & others, the Appeal Committee decided to remand back the matter. The relevant extract of the order dated 13.03.2023 is being reproduced hereunder:

**“....19. Section 12 of NCTE Act, which deals with the functions of the Council, is very specific that it is the function of the NCTE to evolve a suitable performance appraisal system. In 48<sup>th</sup> meeting of the Council also it was decided that NCTE should be authorised to proceed in the matter through a proforma developed by the NCTE. In the absence of any material to show that the proforma attached which the notice under challenge was evolved or even approved by the NCTE. The notice under challenge which necessitates on the Teacher Education Institutions running NCTE recognized Teacher Education Courses to file a Performance Appraisal Report annually is unsustainable and, therefore, the same is liable to be quashed as the same is in violation of the provisions of the NCTE Act. This Court is not going into the second question as to whether the amount of Rs.5,000/- which is to**



be submitted by the Central and State Government Institutions along with the Performance Appraisal Report is in the nature of fee or in the nature of tax as the same is an academic exercise for the present.

20. With these observations, the notice under challenge is set aside. The appeals are allowed. Pending applications, if any, are disposed of."

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***"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 24.11.2022 is set-aside and 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 consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.



#### IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal to the ERC in light of the aforesaid Hon'ble High Court order dated 13.03.2023 which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Barnagar B.Ed. College, 575/709, Niz-Damka, NH 31, Sorbhog, Chawka Boushi, Barpeta, Assam-781317
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Assam.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-27/E-288700/2023 Appeal/4th Meeting, 2023  
APPLWRC202314541**

Dr APJ Abdul Kalam Government College, Dadra Nagar Haveli Ucchha Sikshya Samiti Silvassa, 174,175, Dokmardi, Silvassa, Dadar & Nagar Haveli-396230  <b>APPELLANT</b>	<b><u>Vs</u></b>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.  <b>RESPONDENT</b>
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<b>Representative of Appellant</b>	<b>Representative of the institution</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF REFUSAL**

The appeal of **Dr APJ Abdul Kalam Government College, Dadra Nagar Haveli Uchha Siksha Samiti Silvassa, 174,175, Dokmardi, Silvassa, Dadar & Nagar Haveli-396230** dated 10.12.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/WRC/2324202205261171/DADRA & NAGAR HAVELI AND DAMAN AND DIU/2022/REJC/172** dated 28.11.2022 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “(i). NAAC Certificate/Institute of National Importance and Institute of Eminence not submitted at the time of making online application. (ii). The institution does not fulfil the basic criteria and not eligible to apply for ITEP.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

The representative of **Dr APJ Abdul Kalam Government College, Dadra Nagar Haveli Uchha Siksha Samiti Silvassa, 174,175, Dokmardi, Silvassa, Dadar & Nagar Haveli-396230** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: “NAAC Certificate has been uploaded at the time of making online application. It is visible on the first page of our submitted ITEP application, generated report.”

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. 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 31.05.2022. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 28.11.2022.



The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 submitted copies of the institution has submitted NAAC certificate for the period valid up to 28.02.2026.

The Appeal Committee noted that as per the Selection Criteria for Institutions/Universities under Pilot of 4-year Integrated Teacher Education Programme (ITEP) forwarded by the MoE vide O.M. dated 26<sup>th</sup> November, 2021 inter-alia provides the following: -

**“NAAC grading should have been valid for some period of time in last 2 years in case new applications have been filed.”**

After considering the appeal memoranda and documents submitted by the institution, the Committee decided to remand back the matter to the WRC to decide the matter afresh.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.



#### IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to WRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The WRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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



Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Dr APJ Abdul Kalam Government College, Dadra Nagar Haveli Uchha Sikshya Samiti Silvassa, 174,175, Dokmardi, Silvassa, Dadar & Nagar Haveli-396230
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Dadar & Nagar Haveli.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-45/E-291280/2023 Appeal/4th Meeting, 2023  
APPLERC202314557**

DIET Pasighat, 73/89 Vol. II dated 15/7/97, Pasighat, East Siang, Arunachal Pradesh-791102	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Shri Tapang Taki, Principal</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **DIET Pasighat, 73/89 Vol. II dated 15/7/97, Pasighat, East Siang, Arunachal Pradesh-791102** dated 09.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-316.2/APE00405/D.El.Ed./AP/2022/67082** dated 02.01.2023 of the Eastern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "The institution has not submitted the reply of First Show Cause Notice dated 04.08.2022 and Final Show Cause Notice dated 28.10.2022 issued to it for non-submission of Performance Appraisal Report (PAR) for the academic session 2020-21."

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Shri Tapang Taki, Principal of DIET Pasighat, 73/89 Vol. II dated 15/7/97, Pasighat, East Siang, Arunachal Pradesh-791102** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: "(i). Till then the correspondence was not known to me. (ii). The register id and password was not known to any of faculties and ministerial staffs. (iii). As a matter of fact, considering the demands of the society, it is appealed to Eastern Regional Committee for grant permission of recognition of ongoing D.El.Ed. course of Pasighat as usual in the greater interest of the students of East Siang, Siang & Upper Siang District (A.P.)"

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 50 students vide order dated 02.02.2007. The recognition of the institution for D.El.Ed. programme was withdrawn by the ERC vide order dated 02.01.2023.



The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 and in the Appeal Memoranda the institution submitted that it has uploaded all the essential documents on the website of the institution which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Hon'ble High Court of Delhi order dated 13.03.2023 passed in LPA 190/2021 & LPA 520/2022 & others, the Appeal Committee decided to remand back the matter. The relevant extract of the order dated 13.03.2023 is being reproduced hereunder:

**"....19. Section 12 of NCTE Act, which deals with the functions of the Council, is very specific that it is the function of the NCTE to evolve a suitable performance appraisal system. In 48<sup>th</sup> meeting of the Council also it was decided that NCTE should be authorised to proceed in the matter through a proforma developed by the NCTE. In the absence of any material to show that the proforma attached which the notice under challenge was evolved or even approved by the NCTE. The notice under challenge which necessitates on the Teacher Education Institutions running NCTE recognized Teacher Education Courses to file a Performance Appraisal Report annually is unsustainable and, therefore, the same is liable to be quashed as the same is in violation of the provisions of the NCTE Act. This Court is not going into the second question as to whether the amount of Rs.5,000/- which is to be submitted by the Central and State Government Institutions along with the Performance Appraisal Report is in the nature of fee or in the nature of tax as the same is an academic exercise for the present.**

**20. With these observations, the notice under challenge is set aside. The appeals are allowed. Pending applications, if any, are disposed of."**

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***"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: -

3 

***“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 02.01.2023 is set-aside and 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 consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

#### **IV. DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal to the ERC in light of the aforesaid Hon’ble High Court order dated 13.03.2023 which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, DIET Pasighat, 73/89 Vol. II dated 15/7/97, Pasighat, East Siang, Arunachal Pradesh-791102**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Arunachal Pradesh.



**IN THE NCTE APPELLATE AUTHORITY / एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-18/E-287380/2023 Appeal/4th Meeting, 2023  
APPLSRC202314521**

Keins College of Education for Women, 19/2, Thalapathisamuthiram, Asir Nagar, Nallangkulam, Nanguneri, Tirunelveli, Tamilnadu-627101	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Dr. Joselin J Russel, Principal</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of Keins College of Education for Women, 19/2, Thalapathisamuthiram, Asir Nagar, Nallangkulam, Nanguneri, Tirunelveli, Tamilnadu-627101 dated 09.01.2023 filed under Section 18 of NCTE Act, 1993 is preferred against the Order No. F.SRC/NCTE/APSO4604/B.Ed./TN/2022/136922 dated 17.11.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the ground that “(i). The institution did not submit original/certified latest faculty list approved by Affiliating University. (ii). The institution did not submit proof of disbursement of salary of faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. (iii). The institution has submitted photocopy of building plan in which area of multipurpose hall not mentioned. (iv). The website of the institution is not having complete information. Many of the essential documents as prescribed by Regulations are not seen on the website. The institution is required to reasons thereof. The website of the institution should have complete information as required under clause 7(14) (i) regarding uploading the information about staff, infrastructure and instructional facilities, clause 8 (6) regarding display of Affidavit and clause 10 regarding display of account statement etc. of NCTE Regulation, 2014. (v). FDR of Rs. 5 lakhs has been matured on 12.09.2022.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Dr. Joselin J Russel, Principal of Keins College of Education for Women, 19/2, Thalapathisamuthiram, Asir Nagar, Nallangkulam, Nanguneri, Tirunelveli, Tamilnadu-627101** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal Memoranda, the appellant institution has made submission that: “Some deficiencies pointed out in the withdrawal order (3,4 & 5) have already been rectified. The remaining deficiencies will be rectified at the earliest, within the stipulated time. Kindly accept our appeal.”



### III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 30.08.2006. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 22.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 11.03.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (two basic units of 50 students each) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 17.11.2022.

The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 submitted copies of following documents as claiming to have rectified the shortcomings pointed out in the impugned withdrawal order:

- (i) A copy of required faculty approved by the Registrar, Tamilnadu Teachers Education University, Chennai as per provision of NCTE Regulations, 2014 alongwith a proof of disbursement of salary of faculty & non-teaching staff through bank account.
- (ii) A copy of Building Plan approved by the Competent Authority.
- (iii) A copy of screen shot of website showing uploading the requisite documents on the website of the institution.
- (iv) A copy of Form 'A' alongwith copies of FDRs towards Endowment Fund & Reserve Fund.

The Appeal Committee noted that the institution submitted documents with respect to points mentioned in the Withdrawal Order dated 17.11.2022. The Committee noted that the document submitted in appeal *vis a vis* the grounds mentioned in the order of withdrawal, require to be verified by the Southern Regional Committee 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 17.11.2022 is set-aside and 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 consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.



#### IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

Deputy Secretary (Appeal)/उप सचिव (अपील)

#### Copy to :-

1. The Principal, Keins College of Education for Women, 19/2, Thalapathisamuthiram, Asir Nagar, Nallangkulam, Nanguneri, Tirunelveli, Tamilnadu-627101
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-351/E-234168/2021 Appeal/4th Meeting, 2023  
APPLSRC202114182**

Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Dr. J. Senthil Kumaran, Director</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521 dated 01.11.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No F.SRO/NCTE/APS07895/M.Ed./{TN}/2021/128507 dated 02.09.2021 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that “(i). The institute previously requested for change of Management which was informed by the SRC with dis-approval. Now with reply of FSCN dated 21.01.2020 the institute had submitted a notarized copy of Gift Deed dated 31.10.2013 which is in favour of Sri MATHE BHAVENSESWARI Educational Trust (DNEE) which is not the managing trust of the college. The Managing Trust is Mahalakshmi Educational Charitable Trust. This is not permissible under clause 8 (4) (i) of NCTE Regulations, 2014. (ii). Other documents like BCC, NEC building plan and LUC etc., cannot be accepted on the face of deficiency in land documents. (iii). Faculty for B.Ed., M.Ed., and D.El.Ed., courses have not been submitted with the latest approval of affiliating body. Only approval of 2015 is submitted on for M.Ed. course. (iv). The Website of the institute is not updated with information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

Dr. J. Senthil Kumaran, Director of Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521 appeared online to present the case of the appellant institution on 29.03.2023. In the appeal it is submitted that “(i). That the SRC vide its order dated 02.09.2021 has withdrawn our recognition for conducting M.Ed. course, observing the deficiencies which were already clarified / ratified by our institution. A copy of withdrawal order dated 02.09.2021 of SRC is enclosed as Enclosure 1. (ii). That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. (iii). That SRC NCTE vide its order dated 06.11.2007 granted recognition to the Appellant Institution for running the M.Ed. course in the Appellant Institution with annual intake of 25 students. Further, a revised recognition order dated 30.05.2015 with intake of 100

students, was issued to the appellant institution for conducting the M.Ed. course. A copy of recognition order dated 06.11.2007 and revised recognition order dated 30.05.2015 are enclosed as Enclosure 2 (Colly). (iv). That in the withdrawal order SRC in its 369<sup>th</sup> meeting held on 28.01.2019 considered the matter of Appellant Institution pertaining to compliance of revised recognition order and issued Show Cause Notice dated 30.07.2019. A true copy Show Cause Notice is enclosed as Enclosure 3. (v). That thereafter appellant institution submitted its reply dated 11.09.2019 to the aforesaid Show Cause Notice dated 30.07.2019. A true copy of reply dated 30.07.2019 of the Appellant Institution is enclosed as Enclosure 4. (vi). That thereafter, SRC in 383<sup>rd</sup> meeting held on 7-9 January 2020, again considered the matter of the Appellant Institution and after consideration, issued the final Show Cause Notice dated 21.01.2020 to the Appellant Institution. A true copy of the Show Cause Notice dated 21.01.2020 is enclosed as Enclosure 5 (vii). That thereafter, the appellant institution vide its letter dated 25.02.2020 submitted its reply to the show cause notice dated 21.01.2020 the documents, as sought by the SRC. A true copy of the appellant's reply dated 18.02.2020 is enclosed as Enclosure 6. (viii). That thereafter, the SRC in its 401<sup>st</sup> meeting held on 11-12 August 2021 again taken up the matter of Appellant Institution and decided to withdraw recognition of Appellant Institution and issued the impugned withdrawal order dated 02.09.2021 observing that the institution has submitted the documents as were sought by the SRC. (ix). That it is submitted that the withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions mandated under NCTE Act, 1993 and also without following the due procedure. (x). That it is submitted that though Appellant Institution vide its reply letter dated 18.02.2020 had submitted the documents to the SRC as asked by it vide Show Cause Notice dated 21.01.2020, however, SRC has withdrawn the recognition of appellant institution. (xi). That it is submitted that the documents / information as has been observed and sought by the SRC in its 401<sup>st</sup> meeting, is different from the documents / information as was asked earlier by the SRC vide SCN dated 21.01.2021 and submitted by the appellant institution vide letter dated 18.02.2021. (xii). That it is submitted that the documents / information as was sought by the SRC vide its in its 401<sup>st</sup> meeting, were never asked by the appellant institution to submit. (xiii). That it is also relevant to state that the SRC failed to follow the directives of SOP issued by the NCTE wherein it has been categorically provided that 2<sup>nd</sup> Show Cause Notice should be issued before proceeding for the withdrawal of recognition of the recognized institution, however, in the case of the appellant institution, no 2<sup>nd</sup> Show Cause Notice has been issued as the 2<sup>nd</sup> Show Cause Notice was on different grounds from the grounds of 1<sup>st</sup> Show Cause Notice. (xiv). That it is submitted that as per the said SOP, the SRC ought to have issued the 2<sup>nd</sup> Show Cause Notice in light of the Show Cause Notice dated 21.01.2021 and reply submitted by the appellant. It is



submitted that the reply dated 18.02.2021 submitted by the Appellant Institution. (xv). That it is submitted that SRC ought to have provided an opportunity before taking drastic decision of withdrawal, as the same will cause irreparable academic harm and injury to the appellant institution. (xvi). That it is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which has been observed by SRC in its 401<sup>st</sup> meeting. A copy of land documents, approved faculty list and printout of institution's website are enclosed as Enclosure 7 (Bolly). (xvii). That it is submitted that the appellant institution is running since the year 2006 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the NRC itself have issued the recognition / revised recognition order to the appellant institution for M.Ed. course. (xviii). That it is submitted that thus, the withdrawal order dated 02.09.2021 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC."

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. 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 vide order dated 06.11.2007. Further, the enhancement of intake from existing 25 to 35 was permitted vide NCTE/s order dt. 25.08.2010. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 28.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 30.05.2015 for conducting M.Ed. course of two years duration with an annual intake of 50 students (one unit) from the academic session 2015-16. The recognition of the institution for M.Ed. programme was withdrawn by the SRC vide order dated 02.09.2021.

The instant matter was placed in 3<sup>rd</sup> Meeting 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 appellate institution. Appeal Committee noted that Land documents submitted by appellant institution were not in favour of the applicant Trust/Society and it is subsequently after issue of Show Cause Notice, it has been stated that there is a change in the management culminating into change in the name of applicant trust. Appeal Committee noted that applicant institution did not seek prior approval of NCTE which has finally resulted in conducting of M.Ed. programme by an institution managed by a Society/Trust which was never an applicant in this case. As regards faculty applicant institution has failed to submit to SRC list of faculty duly approved by affiliating University before issue of impugned withdrawal order dated 02.09.2021 even after being given an opportunity by issue of SCN.***

***2. Appeal Committee, noting that applied for programme is not being conducted under the aegis of applicant society whose name is entered in the application form and other records of NCTE and List of faculty approved by affiliating University was not furnished to SRC before issue of impugned withdrawal order, decided to confirm the withdrawal order dated 02.09.2021.***

**IV. DECISION: -**

***After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned withdrawal order dated 02.09.2021.”***

The appellant institution moved a writ petition before the Hon’ble High Court of Judicature at Madras bearing W.P.No. 33456/2022 and W.M.P.Nos. 32895 & 32896 of 2022 titled Arcot Sri Mahalakshmi Women’s College of Education V/s National Council for Teacher Education & Anr, the Hon’ble High Court vide its order dated 02.01.2023 issued following direction upon the Appellate Authority: -

***“...5. However, let me not enter into a detailed discussion on all those aspects, since it is only a question of change in management between the mother and son, so far as the trust is concerned and also that the list of faculty members was not submitted. With respect to the list of faculty members, the learned counsel stated that subsequently necessary approval had been obtained relating to faculty and that those documents will have to be placed before the 2<sup>nd</sup> respondent.***

***6. Let me leave it to the wisdom of the 2<sup>nd</sup> respondent to consider all these aspects once again. The order under challenge in the writ petition is set aside. The petitioner is directed to submit a fresh appeal under Section 18 of the Act, on or before 31.01.2023. When it is filed, the respondents may provide an opportunity of personal hearing to the petitioner and opportunity to produce documents and also answer those documents in the course of the order of the 2<sup>nd</sup> respondent. The said proceedings may be completed on or before 31.03.2023.***



**7. With the above observation, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed."**

The instant matter was placed in 3<sup>rd</sup> Meeting, 2023 of Appellate Committee held on 27.02.2023. The Appellate Committee defer the matter on the following grounds. The relevant portion of the said order is being reproduced hereunder: -

***"The Appeal Committee noted that the institution has requested that order has been passed by the Hon'ble High Court regarding B.Ed. course also, but at present order is not available with him, He further requested to defer this matter to take up this matter alongwith matter of B.Ed. programme.***

***In view of above, the Committee decided to defer the matter of the institution till next meeting and institution be asked to submit order passed by Hon'ble High Court in B.Ed. programme. The institution is further directed to status of management, a copy of land building documents by or before next date."***

The Appeal Committee in its 4<sup>th</sup> Meeting, 2023 held on 29.03.2023 noted that the institution failed to submit any Court order with respect to B.Ed. programme of the institution, as informed by the appellant institution to the Appeal Committee in its 3<sup>rd</sup> meeting held on 27.02.2023.

The Appeal Committee noting the fact that on the date of hearing of appeal M.Ed. course, the institution was not having recognition of B.Ed. Course which is a pre-requisite for M.Ed. course. The Appeal Committee also noted that the appellant institution has changed its management which is not permissible as per written policy letter dated.

The Appeal Committee noted that the appeal of the institution was rejected vide order dated 18.04.2022 on the ground that Land documents submitted by appellant institution were not in favour of the applicant Trust/Society and it is subsequently after issue of Show Cause Notice, it has been stated that there is a change in the management culminating into change in the name of applicant trust. Also, the applicant institution did not seek prior approval of NCTE which has finally resulted in conducting of M.Ed. programme by an institution managed by a Society/Trust which was never an applicant in this case.



The Appeal Committee further noted in its 4<sup>th</sup> Meeting, 2023 held on 29.03.2023 that the institution has failed to submit certified copy of land and other related documents in the name of society/trust which was the sponsoring body at the time of recognition. From the conclusive observation of the records of the SRC, NCTE, it has been found that two land documents have been submitted one to SRC, NCTE and other to Appeal Committee, which are not the same. The Appeal Committee also observed that contrary to NCTE Act, Rules and Regulations framed thereunder the institution has suo moto without taking permission from the SRC, NCTE has changed its management, and as per the written policy issued by the NCTE Hqr. vide letter dated 08.12.2016 and 23.12.2016, the change of management/society/trust is not permissible.

Hence, the Appeal Committee is of the view that the appellant institution is still deficient on the above grounds. The 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 02.09.2021 issued by SRC 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 SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.09.2021 issued by SRC is confirmed.**

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-47/E-292589/2023 Appeal/4th Meeting, 2023**

**APPLSRC202314555**

Mahatma Gandhi University College of Teacher Education, 2/1, Kumily, 1 Mile, Amaravathy P.O, Peermadu, Idduki, Kerala- 685509	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Dr. Sreeraj KG, Principal</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Mahatma Gandhi University College of Teacher Education, 2/1, Kumily, 1 Mile, Amaravathy P.O, Peermadu, Idduki, Kerala-685509** dated 07.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO3249/B.Ed./{KL}/2022/138097** dated 15.12.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i). The institution did not submit latest staff list approved by affiliating body. (ii). The institution has submitted multipurpose hall size area 124 sq. mt. which is not sufficient in terms of Regulation, 2014. (iii). The Committee noted that the institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies in view of the letter dated 08.12.2016 and 23.12.2016 issued by NCTE, Hqr., the change of management/society/trust is not permissible.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Dr. Sreeraj KG, Principal of Mahatma Gandhi University College of Teacher Education, 2/1, Kumily, 1 Mile, Amaravathy P.O, Peermadu, Idduki, Kerala-685509** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: “(i). Submitted staff profile approved by registrar M.G. University on 02.02.2021 itself with the reply of Show Cause. (ii). A multipurpose hall having built-up area 240.40 is made ready to use. (iii). Documents showing that the management is the same at the time of recognition and now namely Government of Kerala. The society CPAS is established by Government of Kerala's own property, so management is the same.”

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. Appeal



Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 200 students vide order dated 01.11.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 17.06.2015 for its willingness of annual intake of 50 in B.Ed. course and adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 08.07.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 (One basic units) from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 15.12.2022.

The Appeal Committee in its 4<sup>th</sup> Meeting, 2023 held on 29.03.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order. The appellant institution informed to the Appeal Committee that before 2017, Mahatma Gandhi University was managing the self-financing teachers training institution, and the status of teacher straining institution are that of self-financing colleges. It has also been informed by the appellant institution that Government decided to establish a Society for the co-ordination, better management and administration of all the self-financing institutions run by Mahatma Gandhi University. As a result, Government of Kerala took a policy decision to constitute a charitable society by name Centre for Professional & Advanced Studies (CPAS) and to handover the Self-Financing Institution run by the Mahatma Gandhi University to the newly formed society. This Society is controlled by Government of Kerala.

The Appeal Committee perused the relevant records and the documents submitted by appellate institution. Appeal Committee noted that the appellant institution has changed the management of the Mahatma Gandhi University College of Teacher Education to Centre for Professional and Advanced Studies. Appeal Committee noted that applicant institution did not seek prior approval of SRC, NCTE which has finally resulted in conducting of B.Ed. programme by an institution managed by a Society/Trust which was never an applicant in this case. The Appeal Committee also observed that contrary to NCTE Act, Rules and Regulations framed thereunder the institution has suo moto without taking permission from the SRC, NCTE has changed its management, and



as per the written policy issued by the NCTE Hqr. vide letter dated 08.12.2016 and 23.12.2016, the change of management/society/trust is not permissible.

Hence, the Appeal Committee is of the view that the appellant institution is still deficient on the above grounds. The 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 15.12.2022 issued by SRC 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 SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 15.12.2022 issued by SRC is confirmed.**

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Mahatma Gandhi University College of Teacher Education, 2/1, Kumily, 1 Mile, Amaravathy P.O, Peermadu, Idduki, Kerala-685509**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Kerala.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-44/E-240551/2022 Appeal/4th Meeting, 2023**

**APPLSRC202214273**

Sathyasai B.Ed. College, No.7.Rajaji Street, Avadi, Kamaraj Nagar, Avadi Chennai, Tamilnadu-600071	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Ms. T. Kanimozhi, Principal</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	<b>29.03.2023</b>
<b>Date of Pronouncement</b>	<b>10.04.2023</b>

## ORDER/आदेश

### **I. GROUND OF WITHDRAWAL**

The appeal of **Sathyasai B.Ed. College, No.7.Rajaji Street, Avadi, Kamaraj Nagar, Avadi Chennai, Tamilnadu-600071** dated 03.02.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/SRCAPP201630162/B.Sc.B.Ed./TN/2022/130163** dated 04.02.2022 of the Southern Regional Committee, withdrawing recognition for conducting B.Sc. B.Ed. Course on the grounds that “(i). The institution vide Final Show Cause Notice dt. 30.11.2021 was informed to submit the latest approval of faculty (for B.Ed., M.Ed., and B.Sc. B.Ed., courses) issued by the affiliating University but the institution had submitted the old approval of faculty issued by the University in 2017, 2018 and 2019. (ii). The building plan submitted by the institution is neither approved nor legible. (iii). The institution submitted the BCC wherein the built-up area for B.Ed., B.Sc. B.Ed. and M.Ed. have been shown as 2039.68 sq. mtrs. and as stipulated under clause 7.1 of Appendix 5 of NCTE Regulations, 2014. (iv). The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014. (vi). The website of the institution is not uploaded with the information required under clauses 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014.”

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Ms. T. Kanimozhi, Principal of Sathyasai B.Ed. College, No.7.Rajaji Street, Avadi, Kamaraj Nagar, Avadi Chennai, Tamilnadu-600071** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that “i.e., that the SRC vide its order dated Minutes of 406<sup>th</sup> Meeting of the SRC held on 19<sup>th</sup> January 2022 has withdrawn our recognition of our college observing deficiencies which were already clarified / ratified by our institution. Since we have not yet received withdrawal order till date, Minutes of 406<sup>th</sup> Meeting of the SRC held on 19<sup>th</sup> January 2022 of SRC is annexed as Annexure 1. 2. That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. 3. That the SRC NCTE vide its order dated 17.12.2007 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100



students, vide its order dated 29.08.2018 granted recognition to the appellant institution for running the M.Ed. course in the appellant institution with annual intake of 50 students and vide its order dated 02.05.2017 granted recognition to the appellant institution for running the B.Sc. B.Ed. course in the appellant institution with annual intake of 100 students. Further, a revised recognition order dated 30.04.2015 for running the B.Ed. course with intake of 100 students, was issued to the appellant institution. A True Copy of the Recognition orders and Revised order are being annexed herewith as Annexure 2 Colly. 4. That it is submitted that firstly the SRC issued a Show Cause notice dated 08.06.2021 and accordingly the institution responded to the reply dated 19.06.2021. True Copy of the Show Cause Notice dated 08.06.2021 is being annexed herewith as Annexure 3 and True Copy of the Reply dated 19.06.2021 is being annexed herewith as Annexure-4 5. That it is submitted that the SRC failed to consider the reply submitted by the institution. 6. That it is submitted that the SRC issued a Final Show Cause notice dated 30.11.2021 and accordingly the institution responded to the reply dated 08.12.2021. True copy of the Show Cause Notice dated 30.11.2021 is being annexed herewith as Annexure 5 and a true copy of the reply dated 08.12.2021, is being annexed herewith as Annexure 6. 7. That it is submitted that despite the submission of all the documents, the SRC decided to withdraw the recognition observing the following deficiencies: 1. The latest approval of faculty (for B.Ed., M.Ed., and B.Sc. B.Ed. courses) issued by the affiliating University are not submitted. 2. The building plan submitted by the institution is neither approved nor legible. 3. The buildup area is not sufficient as per the BCC. 4. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account. 5. The institution did not submit details of administrative and professional staff. 6. The website of the institution is not uploaded with the information required. 8. That it is submitted that institution is herein submitting the following documents to show the fact that the above deficiencies pointed out by the SRC are not correct. 1. Latest complete faculty list approved by the affiliating University. 2. Building plan approved by the competent authority. 3. The Building Completion Certificate showing the built-up area of 4670.35 square meters for running B.Sc. B.Ed. and M.Ed. in combination with B.Ed. programme. The built-up area used for B.Ed. plus M.Ed. programme is 2523.65 square meters and for B.Sc. B.Ed. programme the built-up area is 2146.70 square meters. The building plan and the BCC reveal that the total construction area is 4670.35 square meters for running B.Ed., M.Ed., and B.Sc. B.Ed. programme. 4. Proof of disbursement of salary to faculty and non-teaching staff through bank account. 5. Details of Administrative and professional staff. 6. Screenshot of the website of the institution uploaded with necessary information. True copy of latest complete faculty list approved by the affiliating University, building plan approved by the competent authority, The Building Completion Certificate showing the built-up area of 4670.35 square meters



for running B.Sc. B.Ed. and M.Ed. in combination with B.Ed. programme. The built-up area for B.Ed. plus M.Ed. programme as 2523.65 square meters and for B.Sc. B.Ed. programme the built-up area as 2146.70 square meters are highlighted. The building plan and the BCC reveal that the total construction area is 4670.35 square meters for running B.Ed., M.Ed. and B.Sc. B.Ed. Programme, Proof of disbursement of salary to faculty and non-teaching staff through bank account, Details of Administrative and professional staff and screenshot of the website of the institution uploaded with necessary information are annexed herewith as Annexure 7 Colly 9. That it is submitted that though appellant institution vides its reply letters submitted the desired documents to the SRC as asked by them vide show cause notices, however, the SRC rejected the appeal of the Appellant institution. 10. That now the appellant institution is again enclosing with its appeal, the documents which were desired by the SRC through Show Cause Notices and submitted by the petitioner institution with its replies to the SRC. 11. That it is submitted that withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions, as mandated under NCTE Act, 1993. 12. That it is submitted that the petitioner institution does not lack infrastructural and instructional facilities required as per the NCTE norms. 13. That it appears that SRC proceeded in arbitrary manner without considering the documents properly. 14. That it is submitted that thus, the withdrawal order dated Minutes of 406<sup>th</sup> Meeting of the SRC held on 19<sup>th</sup> January 2022 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC and direct the SRC to restore the recognition of Appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC.”

### **III. OUTCOME OF THE CASE**

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. The Appeal Committee noted that the appellant institution was granted recognition for B.Sc. B.Ed. Course with an annual intake of 100 students on 02.05.2017. The recognition of the institution for B.Sc. B.Ed. programme was withdrawn by the SRC vide order dated 04.02.2022.

The instant matter was placed in 4<sup>th</sup> meeting of Appellate Committee held on 27.04.2022. The Appellate Committee vide order dated 26.05.2022 rejected the appeal



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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. The Appeal Committee noted that the appellant institution was granted recognition for B.A. B.Ed. & B.Sc. B.Ed. Course with an annual intake of 100 seats on 02.05.2017 and after promulgation of NCTE Regulation, 2014 giving thereby willingness in the Affidavit dated 23.01.2015 for its adherence, a revised recognition order was issued by SRC on dated 30.04.2015 with an annual intake of 100 students (two basic units each) for the academic session 2015-16.**

**Appeal Committee further noted that appellant institution was given reasonable opportunities in the shape of First Show Cause Notice and Final Show Cause Notice issued on 26.04.2019 and 30.11.2021 respectively to submit its written representation for rectifying the deficiencies pointed out in the said Show Cause Notices.**

**Appeal Committee further noted that the impugned withdrawal order came into operation due to non-curing the deficiencies despite giving on ample opportunities, to the appellant as per laid down provisions.**

**Appeal Committee noted that the appellant has submitted documents related to the ground of withdrawal in the appeal out of which the appellant still found to be deficient on the grounds that submitted copy of print-out of Home page of its website only which does not establish that the required information under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulation, 2014 are uploaded on the website for all stake holders or not. Copies as a proof of having uploaded and availability of essential information's under the said clauses were required to be submitted. The website is not properly mentioned and hyperlinked with NCTE on its Regional Committee concerned.**

**Appeal Committee noted that the appellant institution has submitted a photocopy of Building Plan in the appeal which is neither legible nor approved by the Competent Authority.**

**The Appeal Committee noted that name of teaching staff approved by Registrar (I/C), Tamilnadu Teachers Education University at Serial No. 15 and 16 do not reflect in the list of salary disbursement for the month of December, 2021 issued by Chief Manager, Indian Bank, Avadi Branch. Each page of enclosed list with letter dated 05.12.2021 issued by Sh. Ravi Ranjan Singh, Chief Manager, Indian Bank, Avadi. Bank is not signed by the Authority Concerned.**

**The Appeal Committee made available a copy of 54<sup>th</sup> General Body (Emergent) Meeting of NCTE held on 27<sup>th</sup> April, 2022 for reference and to comply with the decision taken on the agenda item No. 1 of the meeting. The operative part of the decision is as under: -**

**“The Norms and Standards prescribed in Appendix 13 of NCTE Regulations for 4-year integrated B.Sc. B.Ed./B.A. B.Ed. programme has been omitted by the NCTE Regulations 2021. Therefore, the application pending before the RCs for the said course shall not be processed further. Hence, all such pending applications before RCs at any stage of processing may be returned along with the processing fee in original to the concerned institution.**



In the cases where the applications for 4-year Integrated B.Sc. B.Ed./B.A. B.Ed. programme have been processed/ re-opened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review / appeal before the Hon'ble Court(s) alongwith stay application against the order passed by the Hon'ble High Court for processing of application for 4-year integrated B.Sc. B.Ed./B.A. B.Ed. programme, keeping in view the above decision taken by the General Body regarding pending applications of 4-year integrated B.Sc. B.Ed./B.A. B.Ed. programme."

The Appeal Committee further noted that NCTE has issued a Notification dated 22.10.2021 published in the Gazette in India, Part III-Section 4 on 26th October, 2021 thereby inter-alia laying down the Norms & Standards for Integrated Teacher Education Programme (ITEP). The Appendix-13 to the NCTE Regulations, 2014 notified on 01.12.2014 in respect of 4-year Integrated B.Sc. B.Ed./B.A. B.Ed. programme has been omitted vide this notification dated 22.10.2021. As such, the Norms and Standard for 4-year Integrated B.Sc. B.Ed./B.A. B.Ed. programme no more exists as on date.

Noting the submission and oral arguments advanced during the hearing by the appellant, the Appeal Committee observes that the SRC was justified in withdrawing recognition and therefore decided to reject the instant appeal of the appellant and confirmed the order of withdrawal issued by SRC."

The appellant institution moved a writ petition before the Hon'ble High Court of Madras bearing W.P.C. no. 15182/2022 titled Sathyasai B.Ed. College V/s National Council for Teacher Education & Anr, the Hon'ble Court vide its order dated 14.12.2022 issued following direction upon the Appellate Authority: -

*"...3. However, in their meeting dated 13.12.2021 and 14.12.2021 the second respondent had withdrawal the recognition granted to the petitioners. The petitioners had a remedy to file a regular appeal before the 3<sup>rd</sup> respondent. It is complained by the learned counsel for the petitioners, Mr. K. Selvaraj that the hearing in the appeals were conducted online and the necessary documents could not be furnished at the time of such online hearing.*

*4. Questioning such orders, the writ petitioners had been filed.*

*5. Let me not enter into a discussion whether the petitioners have the necessary building plan and whether they had uploaded in their website requisite details of the colleges. I would rather confine myself to direct to refer the matter back to the 3<sup>rd</sup> respondent who may hear the appeals afresh. The representatives of the petitioner may be physically present before the 3<sup>rd</sup> respondent and urge whatever points they want to urge. Let the Appropriate Authority pass any order deemed fit on the basis of the documents presented and on the basis of the grounds raised.*

*6. The 3<sup>rd</sup> respondent may receive the appeals and issue notice to the petitioners. The petitioners may appear without fail and participate in the proceedings.*



**7. Learned counsel for the 2<sup>nd</sup> and 3<sup>rd</sup> respondents had raised objections that even though the appeals were heard on-line there were not denial of opportunity to the petitioners. The effect of a physical hearing stands apart from any hearing conducted through on-line. I am confident that the 3<sup>rd</sup> respondent would appreciate that fact.**

**8. These writ petitions stands disposed with the above observations. No costs."**

The Appeal Committee noted that the NCTE in its 54<sup>th</sup> General Body meeting held on 27.4.2022 has taken decision with respect of 4-year Integrated B.A. B.Ed./B.Sc. B.Ed. course and the Appendix 13 regarding B.A. B.Ed./B.Sc. B.Ed. has been omitted.

**The relevant extract of the same is being produced hereunder:**

- "I. The institution wherein the Regional Committees have granted recognition for the 4-year Integrated B.Sc. B.Ed. / B.A. B.Ed. programme, their recognition shall remain valid. They would be allowed to enroll students subject to the condition that they shall transition to the new 4-year ITEP curriculum in accordance with NCTE Amended Regulations 2021 dated 22.10.2021 before start of academic session 2023-24. As the Amended Regulation 2021 came to effect start of academic session 2023-24. As the Amended Regulation 2021 came to effect vide directions from MoE under Section 29 of NCTE Act 1993, therefore if approved it would be communicated MoE for legal vetting and bringing necessary amendments in the NCTE notification dated 22.10.2021 published in the Gazette of India.\**
- II. The Norms and Standards prescribed in Appendix 13 of NCTE Regulations for 4-year integrated B.Sc. B.Ed./B.A. B.Ed. programme has been omitted by the NCTE Regulations 2021. Therefore, the application pending before the RCs for the said course shall not be processed further. Hence, all such pending applications before RCs at any stage of processing may be returned along with the processing fee in original to the concerned institution.**
- III. In the cases where the applications for 4 year Integrated B.Sc. B.Ed./B.A. B.Ed. programme have been processed/ re-opened as per the directions of the Hon'ble Court (s), the concerned Regional Committee shall file a review/ appeal before the Hon'ble Court (s) alongwith stay application against the order passed by the Hon'ble High Court for processing of application for 4-year Integrated B.Sc. B.Ed./ B.A. B.Ed. programme, keeping in view of the above decision taken by the General Body regarding pending application of 4 year Integrated B.Sc. B.Ed./ B.A. B.Ed. programme.**

**DECISION OF THE COUNCIL**

**The Council, after detailed deliberation, as approved all the three proposals mentioned in agenda Item No. 1."**



The Appeal Committee in its 11<sup>th</sup> meeting (2022) held on 29.12.2022 considered all the documents submitted by institution and gone through the General Body decision taken in 54<sup>th</sup> Meeting held on 27.04.2022 and decided to seek legal opinion from the Legal Division of the NCTE Hqrs. with respect to 4 years Integrated B.A. B.Ed./ B.Sc. B.Ed. at the Appellate stage.

The Appeal Committee in its 4<sup>th</sup> meeting (2023) held on 29.3.2023 noted that in the matter a Legal opinion has been given by the Legal Division of the NCTE Hqr. and the extract of the same is as under: -

**"...The case of this institution will fall under Clause I of the above extract. It was decided in the above meeting that the institution wherein the Regional Committees have granted recognition for the 4-year Integrated B.Sc. B.Ed./B.A. B.Ed. programme, their recognition shall remain valid.**

**The omission of the course and decision of General Body in its 54<sup>th</sup> meeting will not affect the right of the institution to prefer an appeal against the withdrawal order.**

**Therefore, in my opinion the Appellate Committee shall decide the appeal of the institution its merits and the decision taken by the General Body in its 54<sup>th</sup> meeting shall not come into the way of the Appellate Committee to decide the appeal on merits."**

The Appeal Committee in its 4<sup>th</sup> Meeting, 2023 held on 29.03.2023 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 recognition of the institution was withdrawn by the SRC vide order dated 04.02.2022 on the ground that the institution has not submitted the latest faculty list issued by the affiliating University. The institution with Appeal Memoranda has submitted a list of faculties (1+15). The submitted staff list shows that the faculty was appointment before 9<sup>th</sup> June, 2017 and the same was approved in the year 2022. As per the faculty list submitted only Principal is having NET/Ph.D. Thus, the institution failed to submit qualified faculty list as required vide notification dated 9.6.2017
- (ii) Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET/SLET etc. and experience certificate of the Principal.



- (iii) The proof regarding disbursement of salary of the teaching and non-teaching staff, whether it is being paid through cheque/online payment has also not been submitted.
- (iv) The institution failed to submit proof of uploaded information of the Website of the institution as required under clause 7(14) (i), 8 (14) and 10 (3) of the NCTE Regulations, 2014.

Hence, the Appeal Committee is of the view that the appellant institution is still deficient on the above grounds. The 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 04.02.2022 issued by SRC 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 SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 04.02.2022 issued by SRC is confirmed.**

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

#### **Copy to :-**

1. **The Principal, Sathyasai B.Ed. College, No.7.Rajaji Street, Avadi, Kamaraj Nagar, Avadi Chennai, Tamilnadu-600071**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-63/E-297522/2023 Appeal/4<sup>th</sup> Meeting, 2023  
APPLERC202314576**

Chaiduar College, 02, Gohpur, NH 15, Kalangpur, Sonitpur, Assam-784168	<b><u>Vs</u></b>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Dr. Kishor S. Rajput, Principal</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### **I. GROUND OF REFUSAL**

The appeal of **Chaiduar College, 02, Gohpur, NH 15, Kalangpur, Sonitpur, Assam-784168** dated 23.03.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NCTE/ERC/2324202205301226/ASSAM/2022/REJ/227** dated 27.01.2023 of the Eastern Regional Committee, refusing recognition for conducting B.A. B.Ed./ B.Sc. B.Ed. Course on the grounds that "As per decision of the ERC taken in its 318<sup>th</sup> meeting held on 9<sup>th</sup> January 2023, Final Show Cause Notice was issued to the institution to submit the reply. The Committee further noted that the institution has uploaded its reply online on 16.01.2023 and the institution is still deficient on the following grounds: - (i). The institution has only the built-up area of 7600 sq. ft. as per BCC uploaded by it which is grossly inadequate as per ITEP Regulations, 2014. Hence, the Committee decided that the recognition sought by the institution for ITEP be refused under section 14/15 of the NCTE Act, 1993."

### **II. SUBMISSIONS MADE BY APPELLANT: -**

**Dr. Kishor S. Rajput, Principal of Chaiduar College, 02, Gohpur, NH 15, Kalangpur, Sonitpur, Assam-784168** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: " We have built up area in the campus, including for ITEP, which is far more than the area specified by the NCTE ITEP Regulation, 2014. However, it was misinterpretation on our part of the relevant clause of the regulation concerning the built-up area that led to our claim of having only 707 sq. mt. built up area, whereas we have actually total built up area of 115165.43 sq. mtr. in the campus and built up area of 2762.56 sq. mtr earmarked for the ITEP. Furthermore, we have all other facilities and amenities that are required to run the ITEP. The detailed description of the built up area and other facilities is provided in the uploaded document. Since we belong to an aspirational district in SDG ranking inhabited by a large number of under privileged SC, ST and OBC population and the only multidisciplinary HEI in around 100 sq. km. area, we would like to request you to kindly consider our prayer appeal and grant us permission to start the ITEP from 2023-



24 session. We assure you that we have the infrastructure and manpower to run the programme successfully as per the NCTE ITEP Regulation 2014.”

### III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. 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 31.05.2022. The recognition of the institution for ITEP programme was refused by the ERC vide order dated 27.01.2023.

The Committee noted that the appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 submitted details of Infrastructure facilities created by the appellant institution for proposed Integrated B.A./B.Sc. B.Ed. course alongwith a copy of the Building Completion Certificate approved by the competent govt. engineer.

After considering the appeal memoranda and documents submitted by the institution, the Committee decided to remand back the matter to the ERC to decide the matter a fresh.

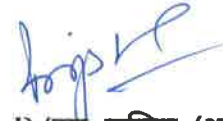
Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.



**IV. DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to ERC with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The ERC is at a liberty to verify the submitted documents from the concerned issuing authority.

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



**Deputy Secretary (Appeal)/उप सचिव (अपील)**

**Copy to :-**

1. **The Principal, Chaiduar College, 02, Gohpur, NH 15, Kalangpur, Sonitpur, Assam-784168**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Education (looking after Teacher Education) Government of Assam.**



**IN THE NCTE APPELLATE AUTHORITY /एनसीटीई अपीलिय प्राधिकरण में**

**NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)**

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

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

Date /दिनांक - 10/04/2023

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT/**

**एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील**

**File No. 89-64/E-296141/2023 Appeal/4<sup>th</sup> Meeting, 2023  
APPLSRC202314570**

Shri Jangam Jyoti Murugarajendra D.Ed. College, 137, Naubad, Bhalki Road, Bidar, Karnataka-585401	<b><u>Vs</u></b>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Representative of Appellant</b>	<b>Representative of the institution</b>
<b>Respondent by</b>	<b>Regional Director, SRC</b>
<b>Date of Hearing</b>	29.03.2023
<b>Date of Pronouncement</b>	10.04.2023

## ORDER/आदेश

### I. GROUNDS OF ORDER

The appeal of **Shri Jangam Jyoti Murugarajendra D.Ed. College, 137, Naubad, Bhalki Road, Bidar, Karnataka-585401** dated 03.03.2023 filed under Section 18 of NCTE Act, 1993 is against the decision of SRC taken vide its **Minutes of 415<sup>th</sup> Meeting of the SRC** held on 3<sup>rd</sup> & 4<sup>th</sup> November 2022 of the Southern Regional Committee, for conducting D.El.Ed. Course on the grounds that “(i). The institution failed to submit reply to the Final Show Cause Notice dated 11.10.2022. (ii). Further it is observed that the institution has not filled Performance Appraisal Report (PAR).”

### II. SUBMISSIONS MADE BY APPELLANT: -

**The representative of Shri Jangam Jyoti Murugarajendra D.Ed. College, 137, Naubad, Bhalki Road, Bidar, Karnataka-585401** appeared online to present the case of the appellant institution on 29.03.2023. In the appeal memoranda it is submitted that: “(i). Received final show cause very late on 21.10.2022, and we sought 30 days extension for submission of documents (via email) and thereby sent all replies on 21.11.2022. (ii). Filled PAR up to date hard copy already sent to DIET.”

### III. OUTCOME OF THE CASE

The Appeal Committee perused the relevant records and the documents submitted by appellant institution in the Memoranda of Appeal, documents on record and oral arguments advanced during the online hearing on 29<sup>th</sup> March 2023. Appeal Committee noted that the appellant institution was granted recognition for D.El.Ed. Course with an annual intake of 50 students vide order dated 23.7.2007. The recognition of the institution for D.El.Ed. programme was withdrawn as per decision of SRC taken vide its **Minutes of 415<sup>th</sup> Meeting of the SRC** held on 3<sup>rd</sup> & 4<sup>th</sup> November 2022 on the grounds that “(i). The institution failed to submit reply to the Final Show Cause Notice dated 11.10.2022. (ii). Further it is observed that the institution has not filled Performance Appraisal Report (PAR).”



The Appeal Committee noted that the Appellant institution with its appeal memoranda and submissions made during online appeal hearing on 29<sup>th</sup> March, 2023 and in the Appeal Memoranda the institution submitted that the institution has required infrastructure & instructional facilities as per provisions of the NCTE Regulations, 2014, which required verification. The Committee noted that while withdrawing the recognition, the Regional Committee has also taken one ground regarding non-submission of PAR.

The Appeal Committee noted that the institution was still found deficient in terms of submission of PAR for the session 2020-21. However, in light of the Hon'ble High Court of Delhi order dated 13.03.2023 passed in LPA 190/2021 & LPA 520/2022 & others, the Appeal Committee decided to remand back the matter. The relevant extract of the order dated 13.03.2023 is being reproduced hereunder:

**"....19. Section 12 of NCTE Act, which deals with the functions of the Council, is very specific that it is the function of the NCTE to evolve a suitable performance appraisal system. In 48<sup>th</sup> meeting of the Council also it was decided that NCTE should be authorised to proceed in the matter through a proforma developed by the NCTE. In the absence of any material to show that the proforma attached which the notice under challenge was evolved or even approved by the NCTE. The notice under challenge which necessitates on the Teacher Education Institutions running NCTE recognized Teacher Education Courses to file a Performance Appraisal Report annually is unsustainable and, therefore, the same is liable to be quashed as the same is in violation of the provisions of the NCTE Act. This Court is not going into the second question as to whether the amount of Rs.5,000/- which is to be submitted by the Central and State Government Institutions along with the Performance Appraisal Report is in the nature of fee or in the nature of tax as the same is an academic exercise for the present.**

**20. With these observations, the notice under challenge is set aside. The appeals are allowed. Pending applications, if any, are disposed of."**

The Appeal Committee noted that the order dated 08.04.2021 passed in W.P.(C). No. 4382/2021, the Hon'ble High Court of Delhi has directed as under: -

***"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 3<sup>rd</sup> & 4<sup>th</sup> November 2022 is set-aside and 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 consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

#### **IV. DECISION: -**

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to SRC with a direction to consider the documents submitted in appeal to the SRC in light of the aforesaid Hon'ble High Court order dated 13.03.2023 which are required to be sent to them by the appellant institution and take further necessary action as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the SRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal. The SRC is at a liberty to verify the submitted documents from the concerned issuing authority.

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

  
Deputy Secretary (Appeal)/उप सचिव (अपील)

**Copy to :-**

1. **The Principal, Shri Jangam Jyoti Murugarajendra D.Ed. College, 137, Naubad, Bhalki Road, Bidar, Karnataka-585401**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.