



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

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

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

दिनांक/ Date - 10/06/2024

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

**File No. 89-17/E-330536/2024/Appeal/7<sup>th</sup> Meeting, 2024**  
**APPLERC202414759**

Rabindra Nazrul Smriti B.Ed. Educational Institute, 1008, Vill. & P.O.-Hetampur, Hetampur Rajbari, P.S.-Dubrajpur, Dist- Birbhum, West Bengal-731124.	<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. Swarup Kumar Das, Secretary</b>
<b>Respondent by</b>	<b>Regional Director, ERC</b>
<b>Date of Hearing</b>	14.05.2024
<b>Date of Pronouncement</b>	10.06.2024

## आदेश / ORDER

### I. GROUNDS OF WITHDRAWAL

The appeal of **Rabindra Nazrul Smriti B.Ed. Educational Institute, 1008, Vill. & P.O.-Hetampur, Hetampur Rajbari, P.S.-Dubrajpur, Dist-Birbhum, West Bengal-731124** dated 23.02.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.ER-336.51/NCTE/B.Ed./APE00686/WB/2024/69218** dated 30.01.2024 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i) The institution has submitted the latest faculty list comprising of 01 Principal + 11 Lecturers dated 21.08.2019 approved by the registrar of “The University of Burdwan, Burdwan” which is not sufficient to run two units of the B.Ed. course. (ii) The institution has not submitted the Building Safety Certificate duly approved by the Competent Government Authority.”

### II. SUBMISSIONS MADE BY APPELLANT: -

**Mr. Swarup Kumar Das, Secretary of Rabindra Nazrul Smriti B.Ed. Educational Institute, 1008, Vill. & P.O.-Hetampur, Hetampur Rajbari, P.S.-Dubrajpur, Dist-Birbhum, West Bengal-731124** appeared online to present the case of the appellant institution on 14.05.2024. In the appeal report, it is submitted that “As per NCTE norms, we have sufficient faculty (1 Principal + 16 Lecturer) approved by the University of Burdwan, Burdwan to run two units of the B.Ed. course. In an appeal before you on the same ground, we had submitted the updated consolidated faculty list in your office vide letter no. RNSB.ED/99/19 dated 15.12.2019. But due to some unprecedented error from our end we have missed to submit the updated consolidated faculty list. Unfortunately, we have missed to submit the Building Safety Certificate duly approved by the Competent Government Authority which we already have. In view of the above two cases, we are uploading the updated consolidated faculty list and the building safety certificate.”

### III. OUTCOME OF THE CASE

The Appeal Committee in its 7<sup>th</sup> Meeting, 2024 held online on 14<sup>th</sup> May, 2024 perused the relevant records and the documents submitted by appellant institution



**in the Appeal Report, documents on record and oral arguments advanced during the meeting.**

The Appeal Committee noted that the appellant institution was granted recognition for conducting B.Ed. programme of one year duration with an annual intake of 100 seats vide order dated 11.09.2007. After promulgation of NCTE Regulations, 2014 a Revised Provisional Recognition Order was issued to the institution on dt. 26.05.2015 for B.Ed. programme of two years duration with an annual intake of 100 students (two basic units) from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the ERC vide order dated 30.01.2024.

The instant matter was placed before the Appeal Committee in its 5<sup>th</sup> Meeting, 2024 of the Appeal Committee held on 27.03.2024. The Appeal Committee observed that the appellant institution has not submitted the requisite documents with respect to the deficiencies pointed out in the Withdrawal Order. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (Second) opportunity to the appellant institution and the institution was required to submit the documents mentioned therein.

The instant matter was again placed before the Appeal Committee in its 6<sup>th</sup> Meeting, 2024 held on 10.04.2024 whereby the Appeal Committee noted that the Appellant Institution did not appear online to present its case before the Appeal Committee. The Appeal Committee also observed that the appellant institution has not submitted the requisite documents. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant (3<sup>rd</sup>/Final) opportunity to the appellant institution and the institution was required to submit the documents mentioned therein.

The instant matter placed before the Appeal Committee in its 7<sup>th</sup> Meeting, 2024 held on 14.05.2024 and during the online hearing the Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned order dated 30.01.2024: -



- (i) A copy of faculty list (1+17) members dt. 05.04.2024 approved by the Registrar, Baba Saheb Ambedkar Education University, West Bengal as per provisions of NCTE Regulation, 2014 alongwith copies of the proceedings regarding selection of all the faculty etc.
- (ii) A copy of building safety certificate, land & building documents etc.

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

The Appeal Committee noted that the document submitted in appeal viz a viz the grounds mentioned in the impugned order dated 30.01.2024, required to be verified. **The ERC is required to verify the faculty list, building safety certificate submitted in appeal from the concerned affiliating University/authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 08.04.2021, passed in W.P. (C) 4382/2021 has observed as follows: -

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

Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 30.07.2021, passed in W.P. (C) 7260/2021 has observed as follows: -

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



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

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

#### IV. DECISION: -

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

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

  
उप सचिव (अपील)/ Deputy Secretary (Appeal)

#### Copy to :-

1. The Principal, Rabindra Nazrul Smriti B.Ed. Educational Institute, 1008, Vill. & P.O.- Hetampur, Rajbari, P.S.-Dubrajpur, Dist-Birbhum, West Bengal-731124.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Higher Education, Govt. of West Bengal, Bikash Bhavan, Salt Lake City, (5th,6th,8th,10th Floor) Kolkata - 700091.



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

राष्ट्रीय अध्यापक शिक्षा परिषद् (एन.सी.टी.ई.)  
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दिनांक/ Date - 10/06/2024

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

**File No. 89-6/E-327073/2024/Appeal/7<sup>th</sup> Meeting, 2024**  
**APPLWRC202314747**

BR Nath Pai B.Ed. College, Plot No.4, BR Nath Pai Shaikshanik Bhavan, Pinguli, MIDC Area, Kudal, Sindhurg, Maharashtra-416550 <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>Mr. Umesh Galvankar, Chairman &amp; Mr. Paresh Dhawade, Principal</b>
<b>Respondent by</b>	<b>Regional Director, WRC</b>
<b>Date of Hearing</b>	14.05.2024
<b>Date of Pronouncement</b>	10.06.2024

## आदेश / ORDER

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

The appeal of BR Nath Pai B.Ed. College, Plot No.4, BR Nath Pai Shaikshanik Bhavan, Pinguli, MIDC Area, Kudal, Sindhurg, Maharashtra-416550 dated 20.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. No.WRC/APWO4290/123162/APWO3035/122485/B.Ed. & D.Ed./ 277<sup>th</sup> /2017/187350 dated 07.07.2017 of the Western Regional Committee.

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

Mr. Umesh Galvankar, Chairman & Mr. Paresh Dhawade, Principal of BR Nath Pai B.Ed. College, Plot No.4, BR Nath Pai Shaikshanik Bhavan, Pinguli, MIDC Area, Kudal, Sindhurg, Maharashtra-416550 appeared online to present the case of the appellant institution on 14.05.2024. In the appeal report, it is submitted that "(i) Closure proposal of D.Ed. course submitted with all relevant documents to WRC on 19.07.2017. (ii) Shifting proposal submitted to WRC and NCTE along with requisite fees and documents. (iii) Earlier rejection was on the ground of insufficiency in land and built-up area of college building. Proposal for shifting of premises is not accepted on the same ground. For both grounds college has submitted compliance along with relevant documents. While online hearing conducted college management not able to represent the complete scenario."

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

The Appeal Committee in its 7<sup>th</sup> Meeting, 2024 held on 14<sup>th</sup> May, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the Appellant Institution was granted recognition for B.Ed. course with an annual intake of 100 students vide order dated 09.08.2005. Thereafter, the institution vide letter dt. 04.03.2013 submitted an application for shifting of premises from Br. Nath Pai College, Plot No. 13/1 & P-57, Sulbha Building MIDC Road at





Post-Kundal, Tal-Kundal Sindhudurg, Maharashtra-416520 to Br. Nath Pai Shaikshanik Bhavan, MIDC Plot No.04, (Maharashtra Industrial Development Corporation Area Kundal), Sindhudurg, Maharashtra-416520. The WRC in its 277<sup>th</sup> meeting held on 29-30 April, 2017 decided that “.. Clarification letter was issued on 20.05.2016 regarding insufficiency of land built up area. The institution has not provided any valid reply to the points of the clarification letter. Hence shifting is not permitted and recognition is withdrawn.”

The Appellant Institution had filed an Appeal on 04.09.2023 and the Appeal Committee noted that the appeal filed by the institution suffers from enormous delay of 6 years and the Committee found that delay is unreasonable without any proper justification. The Appellant institution has also failed to show any sufficient cause for the enormous delay. Hence, as per the extant Rules & Regulation of the NCTE delay cannot be condoned without any reasonable cause. Hence, the Appeal Committee found it fit case for non-admission of the Appeal on ground of delay and laches. Accordingly Appeal order dated 31.10.2023 issued.

The Institution again filed the appeal u/s 18 in the NCTE Act on 20.12.2023 before the appeal Committee regarding B.Ed. course against the withdrawal order dt. 07.07.2017. The instant matter was placed before the Appeal Committee in its 5<sup>th</sup> Meeting, 2024 held on 27.03.2024 wherein a clarification was sought from the WRC.

The instant matter placed before the Appeal Committee in its 7<sup>th</sup> Meeting, 2024 held on 14.05.2024. The Appeal Committee noted that a clarification report has been submitted by the WRC vide letter dt. 12.04.2024 and after perusing the said report and oral arguments advanced during the Appeal Meeting, the Appeal Committee noted that as per the Section 18 NCTE Act 1993 the appellant has to file an appeal along with Appeal Memorandum wherein the withdrawal/Refusal order against which the appeal is preferred has to be submitted. However, in the instant matter the order withdrawing the recognition of B.Ed. course is not attached with the Appeal Report preferred u/s Section 18. Hence,





the appeal in question may not be treated as a valid appeal. The Appeal is infructuous on the account of the said circumstances.

The Appeal Committee also noted that Appeal suffers from enormous delay of 6 years after expiry of stipulated time period of 60 days u/s 18 and the Committee found that delay is unreasonable without any proper justification. The appellant institution has also failed to show any sufficient cause for the enormous delay. Hence, as per the extant Rules & Regulation of the NCTE delay cannot be condoned without any reasonable cause. Hence, the Appeal Committee found it fit case for non-admission of the Appeal on ground of delay and laches.

Noting and submission and verbal arguments advanced during the online hearing, the Appeal Committee of the Council concluded that the instant appeal cannot be admitted.

**IV. DECISION: -**

**After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the instant appeal cannot be admitted.**

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

  
उप सचिव (अपील)/ Deputy Secretary (Appeal)

**Copy to :-**

1. **The Principal, BR Nath Pai B.Ed. College, Plot No.4, BR Nath Pai Shaikshanik Bhavan, Pinguli, MIDC Area, Kudal, Sindhurg, Maharashtra-416550.**
2. **The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
3. **Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.**
4. **The Secretary, Directorate of Higher Education, Maharashtra State, 411, Fourth Floor, Mantralaya Annex, Madam Cama Road, Nariman Point, Mumbai – 400032**