



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 - 16/05/2024

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

File No. 89-16/E-330220/2024/Appeal/6th Meeting, 2024
APPLERC202414758

Sarat Chandra Teacher Training Institute, 37, 982, 983, Vill-Laskarpur, P.O.-Kuley, Dist-Bardhaman, Laskarpur Road, Manteswar, Burdwan, West Bengal-713422	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	Sh./Ms. Apu Dawn, Trusty Member
Respondent by	Regional Director, ERC
Date of Hearing	10.04.2024
Date of Pronouncement	16.05.2024

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आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sarat Chandra Teacher Training Institute, 37, 982, 983, Vill-Laskarpur, P.O.-Kuley, Dist-Bardhaman, Laskarpur Road, Manteswar, Burdwan, West Bengal-713422 dated 20.02.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.ER-336.53/NCTE/B.Ed./ERCAPP3796/WB/2024/69201 dated 30.01.2024 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted the faculty list after issuance of SCN dated 09.04.2023."

II. SUBMISSIONS MADE BY APPELLANT: -

Sh./Ms. Apu Dawn, Trusty Member from Sarat Chandra Teacher Training Institute, 37, 982, 983, Vill-Laskarpur, P.O.-Kuley, Dist-Bardhaman, Laskarpur Road, Manteswar, Burdwan, West Bengal-713422 appeared online to present the case of the appellant institution on 10.04.2024. In the appeal report, it is submitted that "Copy attachment."

III. OUTCOME OF THE CASE

The Appeal Committee in its 6th Meeting, 2024 held online on 10th April 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 two-years duration with an annual intake of 100 (two basic units) students vide order dated 03.03.2018 from the academic session 2018-2019. 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 programme was withdrawn by the ERC vide order dated 30.01.2024.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 in 5th 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 Appellate Institution was required to submit the documents mentioned therein.

The instant matter placed before the Appeal Committee in its 6th Meeting, 2024 held on 10.04.2024 and during the online hearing, the Appeal 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 the approval letter issued by the Baba Saheb Ambedkar Education University, Kolkata approving the faculty along with the latest faculty list (1+15) members for running 2 units B.Ed. programme approved by the Registrar of the affiliating University as per the prescribed Format.

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 etc. submitted in appeal from the concerned affiliating University as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**



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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned order dated 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 etc. submitted in Appeal from the concerned affiliating University. 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 etc. submitted in Appeal from the concerned affiliating University. 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, Sarat Chandra Teacher Training Institute, 37, 982, 983, Vill-Laskarpur, P.O.-Kuley, Dist-Bardhaman, Laskarpur Road, Manteswar, Burdwan, West Bengal-713422.
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.)
जी-7, सेक्टर-10, द्वारका, नई दिल्ली-110075

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

दिनांक/ Date - 16/05/2024

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

File No. 89-14/E-329541/2024 Appeal/6th Meeting, 2024
APPLNRC202414757

Droan B.Ed. College for Women, 661 min, Vill-Chandayan, Dineshpur, Sundarpur Road, Gadarpur, Udham Singh Nagar, Uttarakhand-263160	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Dr. Gurmeet Kaur, Senior Administrative Officer
Respondent by	Regional Director, NRC
Date of Hearing	10.04.2024
Date of Pronouncement	16.05.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Droan B.Ed. College for Women, 661 min, Vill-Chandayan, Dineshpur, Sundarpur Road, Gadarpur, Udham Singh Nagar, Uttarakhand-263160 dated 10.02.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No./NRC/NCTE/UR-170/B.Ed./418th Meeting/2024/224428** dated 07.02.2024 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i) The building plan submitted by the institute is confusing and does not meet the requirements. (ii) The institute submitted a letter dated 31.07.2023 issued by the Kumaun University vide which only 12 faculty have been approved against the requirement as 16. The faculty strength is not sufficient to run B.Ed. Course with 2 units. (iii) Website of the institution is not updated as required under NCTE Regulations, 2014. (iv) Administrative and professional staff have not been appointed as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014. (v) The institute did not submit bank statements of institute, all individual faculty and other staff as required under clause 10(2) of NCTE Regulation, 2014. (vi) The institution has submitted FDR’s copy along with Form “A” which is expired. The institution failed in submission of renewed FDRs as the same has been matured. (vii) The institution has submitted the Fire Safety Certificate which is expired on 11.02.2023. The institution was required to submitted valid fire safety certificac. (viii) The institution has not submitted the additional information as per Clause 7(14), 8(6) 10(3) of the NCTE Regulation 2014 and Clause 2(C) of the NCTE Regulations dated 28.04.2017.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Gurmeet Kaur, Senior Administrative Officer of Droan B.Ed. College for Women, 661 min, Vill-Chandayan, Dineshpur, Sundarpur Road, Gadarpur, Udham Singh Nagar, Uttarakhand-263160 appeared online to present the case of the appellat institution on 10.04.2024. In the appeal report, it is submitted that “(i) Institution Droan B.Ed. College for Women, Vill-Chandayan, Sunderpur Road, Dineshpur, Distt- Udham Singh Nagar, (Uttarakhand) is submitting the approved



building plan, its total Plot area is 2626.5, and total built up area is 2133.43 as per NCTE Regulation 2014. (Annexure No.1) (ii) Droan B.Ed. College for Women has been running B.Ed Program with 1 unit (100 Intake) from 2010 as per recognition letter dated 24.03.2010 issued by NRC NCTE. (Annexure No.2) In compliance with NCTE Regulation 2014 the Institution submitted in affidavit to run the 1 unit (50 Intake) of B.Ed. programme dated on 11.08.2016 (Annexure No.3) as per requirement of NCTE Regulation 2014 to run One Unit (50 Intake) of B.Ed. Programme. The institution has appointed 11 faculty approved by Kumaun University, Nainital. (Annexure No.4) Thus institution has sufficient faculty to run One Unit (50 Intake) of B.Ed. programme as per NCTE Regulation 2014. (iii) Website of Institution is updated has per the regulation of NCTE Regulation 2014. Downloaded copy of updated website of the institution is enclosed. (Annexure No. 5) (iv) Institution has appointed sufficient administrative and professional staff as required by NCTE Regulation 2014. (Annexure No. 6) (v) Institution has submitted bank statement of the Institution, Faculty and other staff as required by NCTE Regulation 2014. (Annexure No. 7) (vi) The Institution has submitted FDRs copy along with Form "A" which is expired. The expired date of FDRs was 19-09-2023. FDRs has been auto renewed and again been submitted to NRC along with form 'A'. (Annexure No. 8) (vii) The institution has submitted Fire Safety Certificate, has been renewed as 13.10.2023 for the period of 3 Years i.e. till date 29.10.2026 copy of the renewed fire safety certificates is enclosed. (Annexure No. 9) (viii) The Institution has submitted all additional information on its website (www.droancollegeuk.ac.in) as required under Clause 7(14), 8(6) 10 (3) of the NCTE Regulation 2014 and Clause 2 (C) of the NCTE Regulations dated 28.04.2017."

III. OUTCOME OF THE CASE

The Appeal Committee in its 6th Meeting, 2024 held online on 10th April 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.



The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of one year duration with an annual intake of 100 students from the academic session 2009-2010 vide order dated 24.03.2010. After promulgation of NCTE Regulations, 2014, a revised provisional recognition order was issued to the institution vide order dated 25.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students for two basic units of 50 students each from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 07.02.2024.

The instant matter was placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024. The Appeal Committee observed that the appellant institution has not submitted the requisite documents with respect to the deficiencies pointed out in the Withdrawal Order. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (Second) opportunity to the appellant institution and the institution was required to submit the documents mentioned therein. In addition, the Appeal Committee also decided to ask the NRC to submit a clarification report regarding request of the institution to run 1 unit of the B.Ed. programme.

The instant matter again placed before the Appeal Committee in its 5th Meeting, 2024 held on 27.03.2024. The Appeal Committee noted that the NRC vide letter dated 22.03.2024 had submitted a clarification report to the Appeal Committee wherein the following were stated:

“With reference to subject cited above, it is to inform that the institution namely Droan B.Ed. College, has submitted a letter dated 29.10.2015 received in the office of NRC vide diary no. 120710 dated 30.10.2015 requested to reduce the intake/seat of B.Ed. course from 100 students (2 basic units of 50 students each) to 50 students (1 basic unit of 50 student).”

The Appeal Committee in view of the above also decided to ask the Appellant Institution to submit a clarification on certain points.



The instant matter placed before the Appeal Committee in its 6th Meeting, 2024 held on 10.04.2024 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 07.02.2024: -

- (i) A copy of the approval letter issued by Kumaun University, Nanital, Uttarakhand approving the faculty along with the latest faculty list (1+10) members for running 1 unit B.Ed. programme approved by the Registrar of the affiliating University as per the prescribed Format.
- (ii) A copy of approved building plan, proof of website updation, FDR alongwith Form 'A', Fire Safety Certificate etc.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the impugned withdrawal order dated 07.02.2024 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 withdrawal order dated 07.02.2024, required to be verified. The NRC is required to examine the case in accordance with the provisions of the NCTE Regulations, 2014 and norms and standards made thereunder for running the B.Ed. programme with an annual intake of one unit.

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 07.02.2024 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to NRC **with a direction to examine the case in accordance with the provisions of the NCTE Regulations, 2014 and norms and standards made thereunder for running the B.Ed. programme with an annual intake of one unit and also to verify the faculty list etc. submitted in Appeal from the concerned affiliating University.** The Appellant Institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.



IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC with a direction to examine the case in accordance with the provisions of the NCTE Regulations, 2014 and norms and standards made thereunder for running the B.Ed. programme with an annual intake of one unit and also to verify the faculty list etc. submitted in Appeal from the concerned affiliating University. The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

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



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Droan B.Ed. College for Women, 661 min, Vill-Chandayan, Dineshpur, Sundarpur Road, Gadarpur, Udham Singh Nagar, Uttarakhand-263160.
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, State Higher Education Council, Uttarakhand Government, Doon University Dehradun, Uttarakhand-263139