



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-10/E-100832/2019 Appeal/23rd Meeting, 2021
APPL13033**

Pushpawati Teacher Training Institute (D.El.Ed.), Pandhayat-Gullana, Jaipura, Baswa, Via Bandikui Rajasthan – 303327 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Narendra Kumar Sharma
Respondent by	Regional Director, WRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Pushpawati Teacher Training Institute (D.El.Ed.), Pandhayat-Gullana, Jaipura, Baswa, Via Bandikui Rajasthan dated 28/12/2018 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRCAPP-11132 dated 30.06.2017 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that “ The applicant Institution has not submitted reply of Show Cause Notice (SCN) within stipulated time.”

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Narendra Kumar Sharma, (Representative) Pushpawati Teacher Training Institute (D.El.Ed.), Pandhayat-Gullana, Jaipura, Baswa, Via Bandikui Rajasthan presented online the

case of the appellant institution on 03/12/2021. In the appeal and during personal presentation it was submitted that The Appeal of institution dated 28.12.2018 against be impugned order no. **NRC/NCTE/NRCAPP-11132/270th (part 2) Meeting/2017/177543** dated **30.06.2017** of NRC refusing recognition for conducting D.El.Ed. was considered by Appeal Committee in its 9th meeting held on 25.03.2019. As per decision of the Appeal Committee the appeal of the institution was not admitted on the grounds of delay vide Appellate order dated 26.04.2019. Aggrieved by the order of Appellate Authority date 26.04.2019, appellant institution had filed a writ petition 8378/2021 before the Hon'ble of High Court of Jurisdiction of Rajasthan Bench at Jaipur. The Hon'ble High Court has given following directions by its order dated 29.09.21 (Amended vide order dated 05.10.2021). The order dated 26.04.2019 is set aside and the Appellate Authority is directed to decide the appeal on merits"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee after perusing the regulatory file noted that appellant institution has submitted online application dated 28.05.2015 seeking recognition to conduct D.El.Ed. programme. Appeal Committee further noted that a Show Cause Notice (SCN) dated 15.09.2016 was issued to appellant institution seeking (i) Evidence to prove that it is a composite Institution, (ii) Building Plan approved by Competent Authority, (iii) Notarised copy of change of Land Use Certificate (CLU).

2. Appeal Committee noted that applicant with its application had enclosed a CLU dated 30.05.2011 issued by Dist. Collector. Appeal Committee further noted that building plan said to have been enclosed with the application was not found to be enclosed with the application. Appellant has now with its appeal Memoranda has enclosed copy of the building plan acceptability of which shall be decided by the Regional Committee. As regards the composite status of the appellant institution is concerned, Appeal Committee noted that the applicant Trust had simultaneously submitted two applications seeking recognition for BA. B.Ed./B.Sc. B.Ed. Programme and D.El.Ed. programmes. Subject to the condition that appellant institution is rendered eligible for both the programmes, the institution will automatically be composite.

3. Appeal Committee noted that this is a second appeal preferred by appellant after the first appeal order dated 26.04.2019. has been set aside by the Hon'ble High Court of Judicature for Rajasthan, Bench at Jaipur in SB Civil Write Petition No. 8378/2021.

4. Appeal Committee decided to remand back the case to WRC and the appellant is directed to submit WRC (Previously NRC) copies of (i) Building Plan approved by Competent Authority, (ii) Notarised CLU and (iii) APP code of its application seeking recognition for BA B.Ed./B.Sc. B.Ed. Programme within 15 days of the issue of appeal order. WRC on receipt of above documents should process the application as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to WRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Pushpawati Teacher Training Institute (D.El.Ed.), Pandhayat-Gullana, Jaipura, Baswa, Via Bandikui Rajasthan – 303327**
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 Rajasthan.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-12/E-100833/2019 Appeal/23rd Meeting, 2021
APPL13029**

Pushpawati Teacher Training Institute (D.El.Ed.), Pandhayat-Gullana, Jaipura, Baswa, Via Bandikui Rajasthan – 303327 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Narendra Kumar Sharma
Respondent by	Regional Director, WRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Pushpawati Teacher Training Institute (B.A B.Ed. / B.Sc. B.Ed.), Pandhayat-Gullana, Jaipura, Baswa, Via Bandikui Rajasthan dated 27/12/2018 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRCAPP-11433 dated 10.10.2016 of the Western Regional Committee, refusing recognition for conducting BA.B.Ed./B.Sc.B.Ed. Course on the grounds that "The Institution was given Show Cause Notice dated 03.12.2015 with direction to submit reply within 30 days. The institution did not submit any reply of Show Cause Notice within stipulated time."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Narendra Kumar Sharma Pushpawati Teacher Training Institute (B.A B.Ed. / B.Sc. B.Ed.), Pandhayat-Gullana, Jaipura, Baswa, Via Bandikui Rajasthan presented online the case of the appellant institution on 03/12/2021. In the appeal and during personal presentation it was submitted that "The Appeal of institution dated 27.12.2018 against be impugned order no. **NRC/NCTE/NRCAPP-11433/257th (part 3) Meeting/2016/159826 Dated 10.10.2016** of NRC refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. was considered in Appeal Committee in its 9th meeting held on 25.03.2019. As per decision of the Appeal Committee the appeal of the institution was not admitted on the grounds of delay vide Appellate order date 26.04.2019. Aggrieved by the order of Appellate Authority dated 26.04.2019, Appellant institution had filed a writ petition 8379/2021 before the Hon'ble of High Court of Jurisdiction of Rajasthan Bench at Jaipur. The Hon'ble High Court has given following directions by its order dated 29.09.21 (Amended vide order dated 05.10.2021). "The order dated 26.04.2019 is set aside and the appellate authority is directed to decide the appeal on merits."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Perusal of the regulatory file indicates that appellant institution submitted online application dated 29.05.2015 seeking recognition for conducting BA. B.Ed./B.Sc.B.Ed. Programme. A Show Cause Notice (SCN) dated 03.12.2015 was issued to appellant institution on 03.12.2015 seeking written representation for its failure to submit NOC of the affiliating body with the hard copy of the application. There is no evidence on regulatory file that appellant ever submitted NOC to the Regional Committee in response to the SCN.

2. Appeal Committee noted that appellant with its appeal Memoranda has enclosed copy of a No objection Certificate which is purported to have been issued by the University of Rajasthan on 21.07.2016 i.e. a date prior to the issue of impugned refusal order dated 10.10.2016. Whereas there is no evidence on regulatory file of having received reply to the SCN, appellant in its written submission has stated that reply to SCN enclosing therewith a copy of NOC was sent to the Regional Committee.

3. Appeal Committee noted that this is a second appeal preferred by the appellant after the first appeal order dated 26.04.2019 has been set aside by the Hon'ble High Court of Judicature for Rajasthan, bench at Jaipur in SB Civil Writ Petition No. 8379/2021.

4. Appeal Committee decided to remand back the case to WRC and the Appellant is directed to submit WRC (Previously NRC) (i) copy of its reply to SCN, (ii) NOC of affiliating University within 15 days of the issue of appeal order. WRC on receipt of the above documents should process the application as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to WRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Pushpawati Teacher Training Institute (D.El.Ed.), Pandhayat-Gullana, Jaipura, Baswa, Via Bandikui Rajasthan – 303327**
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 Rajasthan.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-284/E-207266/2021 Appeal/23rd Meeting, 2021
APPLSRC202114146**

T.M.A.E.S. College of Education, Harapanahalli, Ganga Gangotri Campus, Behind IB, Bellary, Karnataka - 583131 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. T.M. Rajashekhar (Associate Professor)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of T.M.A.E.S. College of Education, Harapanahalli, Ganga Gangotri Campus, Behind IB, Bellary, Karnataka -583131 dated 30.09.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/128361 dated 24.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted photocopy of the Land Document instead of a certified one. Total area mentioned in Building Plan and Building Completion Certificate do not match and not sufficient. The institution has submitted notarized copy of Building Plan in which Built-up area is not sufficient. a. Survey number not mentioned. b. The name and stamp of issuing authority both are in regional language c. The size of Multipurpose Hall is less than the requirement of NCTE

Regulations. The total area mentioned in Land Document and Building Completion Certificate do not match with each other. The institution has submitted photocopy of faculty list signed by the Registrar of the University, but approval letter of affiliating body not submitted. Percentage of marks in r/o Principal in Post-Graduations (S.No. 1) is less than 55 and Ph.D. degree is not mentioned. Date of all staff in not mentioned in the Staff list. The date of approval of faculty, is not mentioned only the date of the notary is available. The website of the institution, is not updated with the information prescribed under para8(6), 8(14) and 10(3) of NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Bhaskar, representative of T.M.A.E.S. College of Education, Harapanahalli, Ganga Gangothri Campus, Behind IB, Bellary, Karnataka presented online the case of the appellant institution on 03/12/2021. In the appeal and during personal presentation it was submitted that “The appellant has obtained a certified copy of the land documents on 24-08-2021 and 29-09-2021, which is in kannada language, and it is translated into English. The translated copy is notarized. Certified copies of the Encumbrance certificate of the said property along with translated & notarized copies are also enclosed. The property stands in the name of President, TMAE Society, Harapanahalli, represented by Sri Sha. Bra. Chandramouleshwara Shivacharya Mahaswamiji. The building is situated in R.S. No. 100 B and R.S. No. 114 C. The plans are approved by the chief office, Town Panchayath, Harapanahalli. The building completion certificate is approved by the Assistant Executive Engineer PWD, Harapanahalli, after visiting, inspecting the building on 13-09-2021. The building plan and the completion certificate, clearly show the sufficiency of the area and the built-up area mentioned in both the certificates are same. The survey number is mentioned in both building plans. b. The name and stamp of issuing authority are mentioned in English. c. By oversight, measurement was shown as 1700 feet. Now it is appropriately measured and found that it measured 2197.246 feet, which is more than required area. The total area mentioned in the Land Documents and the Building Completion Certificate matches. The copy of both is enclosed herewith for your kind perusal. The photocopy of list of faculty members, approved by The Registrar, Devanagari University which is in kannada is enclosed. The same was translated and notarized is submitted for your kind perusal. Now the institution has appointed Dr. Mohan Kumara T M., as Principal who possesses M. A., M.Ed., M.Phil., KSET., PhD qualification. The same is approved by Registrar (Administration), Davangere University. Earlier Sri. T M Rajshekhar was I/C Principal, copy of the circular issued by Govt. of Karnataka dated:19-02-199 is enclosed here with for kind

perusal. The new format which has all the details required as per NCTE is submitted and the same was approved by the Registrar (Administration), Davangere University, Davangere. The photocopy of list of faculty members, approved by The Registrar, Davanagere University on 18-12-2020 which is in kannada is enclosed herewith for your kind perusal. The same was translated and notarized is submitted for you kind perusals. The website of the institution is updated. The screenshot is produced herewith for kind perusal of the Hon'ble Authority."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was first recognised to conduct B.Ed. programme with an annual intake of 100 seats from academic session 2000-2001. Further a revised recognition order under NCTE Regulation, 2014 was issued on 16.05.2015. As per NCTE Regulation, 2014 the B.Ed. programme which earlier used to be a one year programme was made a 2 year programme thus requiring additional built-up area, infrastructural facilities and appointment of additional faculty as per regulation, 2014.

2. Appeal Committee noted that appellant institution was issued Show Cause Notice on 29.05.2019 and 21.10.2020 to show evidence of compliance of the revised norms and standards. Appeal committee noted that appellant institution by its letter dated 02.11.2020 submitted a host of documents which include copy of Building Plan, Building Completion Certificate and land documents for property at survey no. 100B. SRC on finding that these documents were not compatible, issued impugned order of withdrawal on 24.08.2021w.e.f. academic session 2021-2022.

3. On perusal of regulatory file, Appeal Committee noted that appellant had submitted inspection fee of Rs. 1,50,000/- for inspection of the institution. Appeal committee could not trace evidence of inspection made after remittance of the inspection fee.

4. Appellant with its appeal memoranda has made a host of submissions and from the land and building documents submitted it is observed that appellant has acquired land at survey 114/C which is in addition to earlier land at Survey No. 100/B. Appellant has also submitted the list of faculty approved by affiliating University with required modifications.

5. Appeal Committee decided that SRC is required to get an inspection conducted to verify the adequacy of land, built-up area, infrastructure and faculty position. The withdrawal order

dated 24.08.2021 otherwise also should have been made applicable from 2022-23 instead of 2021-22 as per proviso 2 of Section 17 (1) of NCTE Act.

6. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

7. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

8. Appeal Committee decided to set aside the impugned order of withdrawal dated 24.08.2021. The case is remanded back to SRC for revisiting the matter with proper verification as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back to SRC for revisiting the matter with proper verification as per NCTE Regulation, 2014.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, T.M.A.E.S. College of Education, Harapanahalli, Ganga Gangotri Campus, Behind IB, Bellary, Karnataka -583131
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-285/E-207262/2021 Appeal/23rd Meeting, 2021
APPLSRC202114147**

Davangere University, Tholahunase, Bada Road, Davangere, Karnataka-577002 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Prof. Gayathri Devaraja (Registrar)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Davangere University, Tholahunase, Bada Road, Davangere, Karnataka dated 30/09/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP3524/M.P.Ed./KA/2016-17/91889 dated 17.02.2017 of the Southern Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that “The University has not submitted BCC approved by the Competent Authority.”

II. SUBMISSIONS MADE BY APPELLANT: -

Prof. Gayathri Devaraja (Registrar), Davangere University, Tholahunase, Bada Road, Davangere, Karnataka presented online the case of the appellant institution on 03/12/2021. In the appeal and during personal presentation it was submitted that "We submitted BCC."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal order dated 17.02.2017 was issued after giving an opportunity to appellant institution to submit clarifications on points raised in the Show Cause Notice (SCN) dated 04.11.2016 and 08.01.2017. Appeal Committee noted that though appellant replied to the SCN, reply was received in the office of SRC after issue of impugned refusal order. Appeal committee noted that appellant had further failed to prefer a timely appeal which was required to be made within 60 days of the impugned refusal order dated 17.02.2017. The appeal filed by appellant is more than 4 years and five months delayed without any reason being assigned for the inordinate delay.

2. During the course of online appeal hearing, appellant revealed that the appellant University is conducting M.P.Ed. programme without getting a recognition order issued by SRC/NCTE. Appellate Authority decided not to condone the undue and inordinate delay of more than 4 year and five months. Appellate Authority further decided that SRC should look into the matter of conducting teacher education programme by a University without getting recognition in accordance with the provisions of NCTE Act/Regulations.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee concluded not to condone the delay of more than 4 years and five months and appeal is not admitted.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Davangere University, Tholahunase, Bada Road, Davangere, Karnataka-577002**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-286/E-207701/2021 Appeal/23rd Meeting, 2021
APPLSRC202114153

B.D.S. B.Ed. College, Sringeri, Chikmagalore Road, Chickmagalur, Karnataka - 577139. APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Nagesh K.C (Administrator)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of B.D.S. B.Ed. College, Sringeri, Chikmagalore Road, Chickmagalur, Karnataka dated 29/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS08845/B.Ed./{KA}/2021 dated 31.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted notarized copy of Land Document. The institution has submitted notarized copy of Land Use Certificate wherein the name & designation of the issuing authority are not shown. The

institution has submitted notarized copy of Not-Encumbrance Certificate in regional language. Notarized English translation not submitted. The institution has submitted notarized copy of Building Plan in which Built-up area Multipurpose Hall and Survey No. are not mentioned. The name & stamp of the issuing authority both are in regional language and not approved by the competent authority. The institution has not submitted approved copy of the site Plan. The institution has submitted notarized copy of Building Completion Certificate wherein the area of multipurpose hall is not mentioned and not approved by competent authority. The total built-up area is not sufficient as per the requirement. The institution has submitted photocopy of Faculty without approval letter from affiliation body. The faculty list Signed by the Register, Kuvempu University total faculty approved: 1Principal + 10 Lecturers.) Percentage of marks in r/o The Principal is less than 55 in M.Ed. ii) Performa of Faculty list has not been submitted by the institution. Faculty has been approved by the affiliating body only for the academic year 2019-20. The institution has not submitted Form 'A' only photocopies of the relevant FDRs are submitted."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Nagesh K.C (Administrator), Vivekananda College of Education, 773/EE, Chattanpally, Shadnagar, Linga Reddy Guda Road, FarooqNagar, Telangana, Mahbubnagar presented online the case of the appellant institution on 03/12/2021. In the appeal and during personal presentation it was submitted that "Land Documents such as Sale Deed, Mutation, RTC, Land Alienated Certificate, Kannada to English Translate and Notarized copy is enclosed. Land Usage certificate issued by competent Authority & notarized copy is enclosed. Non-Encumbrance Certificate Kannada to English Translated Notarized copy is enclosed. New Building plan is approved by competent Authority is enclosed. Approved copy of site plan is enclosed. Building completion certificate as per NCTE Norms is Enclosed. Staff list is approved by competent authority is enclosed. Faculty approved for 2021-22 is enclosed. Form-A and FDR is Enclosed with seal & signature."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was recognized to conduct

B.Ed. programme in the year 2007 with an annual intake of 100 seats. The revised recognition order dated 16.05.2015 under the NCTE Regulation 2014 was for an intake of 50 seats.

2. Appeal Committee noted that for an intake of one-unit (50 seats) faculty required is 1 Principal and 7 Assistant Professors. Appellant with its appeal memoranda has submitted a list of faculty approved by affiliating body. This list contains the name of Principal and eight faculty in prescribed Performa and Letter of the University conveying approval.

3. Appeal Committee further noted that appellant with its appeal memoranda has submitted notarized/authenticated copies of land documents, Building Plan, B.C.C., LUC., NEC., Site Plan.

4. Appeal committee decided that appellant institution is required to submit originals/authenticated copies of all the documents to SRC within 15 days of the issue of appeal order and on receipt of these documents and on receipt of these documents SRC will be required to revisit the matter keeping in view that appellant institution was recognized to conduct the programme with only one unit (50 seats) and further the withdrawal order dated 29.09.2021 should be made effective as per proviso 2 of Section 17 (1) of the NCTE Act.

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

6. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

7. Appeal Committee decided to set aside the impugned order of withdrawal dated 31.08.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter. The impugned withdrawal order dated 31.08.2021 is set aside.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, B.D.S. B.Ed. College, Sringeri, Chikmagalore Road, Chickmagalur, Karnataka -577139.**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-287/E-208793/2021 Appeal/23rd Meeting, 2021
APPLSRC202114006**

S.B.G. Sanskrit Mission B.Ed. College, Mutharasanallur, Bazar Street Srirangam, Tiruchirapali, Tamilnadu -620101 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	MS. R. Sentamarai (Correspondent)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OFS OF WITHDRAWAL

The appeal of S.B.G. Sanskrit Mission B.Ed. College, Mutharasanallur, Bazar Street Srirangam, Tiruchirappalli, Tamilnadu dated 01/04/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS04840/B.Ed./ {TN}/2021/124776 dated 10.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted any reply against final show cause notice".

II. SUBMISSIONS MADE BY APPELLANT: -

MS. R. Sentamarai (Correspondent), S.B.G. Sanskrit Mission B.Ed. College, Mutharasanallur, Bazar Street Srirangam, Tiruchirappalli, Tamilnadu presented online the case of

the appellant institution on 03/12/2021. In the appeal and during personal presentation it was submitted that "I have already reply for the final show cause notice date 08-10-2020."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal committee noted that appellant institution had filed a writ petition no. 14681 of 2021 in the High Court of Judicature at Madras and the Hon'ble High Court by its order dated 20.07.2021 has directed the Appellant Authority to take final decision after providing opportunity to the petitioner and pass appropriate order in accordance with law within a period of 4 weeks.

2. Online hearing of the appellant institution was done on 03.12.2021.

3. Appeal Committee after pursual of the relevant regulatory file noted that a final Show Cause Notice dated 07.09.2020 was issued to appellant institution on the ground that appellant's earlier reply dated 24.11.2017 was not proper and readable. Appeal Committee noted that appellant's reply dated 24.11.2017 to SCN dated 31.10.2017 was comprehensive and the non-readable content of this reply was only the land document which was in vernacular language. Appeal Committee further noted that appellant was recognized to conduct B.Ed. programme from the session 2006-07 and the regulatory file contains English translation of the land document at page 359 to 362/cor. A legible and large copy of building plan is also found placed in the regulatory file at page 406/cor.

4. Further to the facts stated in para 2 above, appellant with its appeal memoranda has enclosed copy of its reply dated 05.10.2020 which was sent in response to the final Show Cause Notice dated 07.09.2020.

5. Appeal Committee, therefore, decided that the case is required to be revisited by SRC after the appellant institution submits to SRC within 15 days of the issue of appeal order copy of its reply dated 05-10-2020 (with enclosures).

6. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

7. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

8. Appeal Committee decided to set aside the impugned order of withdrawal dated 10.03.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, S.B.G. Sanskrit Mission B.Ed. College, Mutharasanallur, Bazar Street Srirangam, Tiruchirapali, Tamilnadu -620101
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 Tamil Nadu



8

**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-288/E-209325/2021 Appeal/23rd Meeting, 2021
APPLSRC202113971**

V.P. Muthaiha Pillai Meenakshi Ammal College of Education for Women, Villupanur. VPM Nagar Road, Kunnur, Virudh, Tamilnadu-626126 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. P. Saravanan (Dean)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of V.P. Muthaiha Pillai Meenakshi Ammal College of Education for Women, Villupanur. VPM Nagar Road, Kunnur, Virudh, Tamilnadu dated 09/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO4006/TN/B.Ed./2021 dated 08.01.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted photocopy of Building Plan which is not

[Signature]

legible. The size of the classrooms and multipurpose hall is not clear / readable. The total built up area and approving authority is also not clear / readable. The institution has submitted notarized NEC wherein the land was shown as "Agricultural Land". The institution has not submitted BCC in prescribed format. Also, the same is not approved by the competent authority. The institution has not submitted Form A issued by the respective Branch Manager of the notarized Bank towards creation of Endowment and Reserve Fund as per NCTE Regulations, 2014. The photocopy of FDR of Rs. 12 lakhs submitted by the institution has already matured on 29.07.2020. The faculty of the institution is not approved by the affiliating university. The website of the institution is not working."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. P. Saravanan (Dean), V.P.Muthaiha Pillai Meenakshi Ammal College of Education for Women, Villupanur. VPM Nagar Road, Kunnur, Virudh, Tamilnadupresented online the case of the appellant institution on 03/12/2021. In the appeal and during personal presentation it was submitted that**"Deficiencies pointed out have been rectified."**

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognized to conduct B.Ed. programme since 2005 and revised recognition order under NCTE Regulation, 2014 was issued on 31.05.2015.

2. Appeal Committee noted that appellant with its appeal memoranda has submitted (i) Copy of legible building plan, (ii) Certificate of Encumbrance indicating category of land as 'Dry Land'. (iii) B.C.C in prescribed Performa approved & signed by Asst. Engineer, Panchayat Union, (iv) List of faculty (v) FDRs, (vi) Form 'A' (vii) Printout of website.

3. Appeal Committee decided that appellant institution is required to submit to SRC withing 15 days of the issue of Appeal order original/ copy of all the documents submitted by it with its appeal memoranda, Appeal Committee further decided to remand back the case to SRC for revisiting the matter after receiving the required documents which are required to be submitted by the appellant institution.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

6. Appeal Committee decided to set aside the impugned order of withdrawal dated 08.01.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, V.P. Muthaiha Pillai Meenakshi Ammal College of Education for Women, Villupanur. VPM Nagar Road, Kunnur, Virudh, Tamilnadu-626126
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-290/E-209330/2021 Appeal/23rd Meeting, 2021
APPLSRC202114157

Viswam Institute of Teacher Education, 223/2 Naidupet, Nellore, Andhra Pradesh-524126 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. E. Viswanath (Secretary)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Viswam Institute of Teacher Education, 223/2 Naidupet, Nellore, Andhra Pradesh-524126 dated 09/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/127607-7614 dated 28.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. and D.El.Ed. (Addl.) Course on the grounds that "The land document submitted in the institution is 1108.70 sq. mtrs. Which is less than as per NCTE

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Regulation. The latest NEC is not submitted by the institution. The institution has not submitted latest faculty list.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. E. Viswanath (Secretary), Viswam Institute of Teacher Education, 223/2 Naidupet, Nellore, Andhra Pradesh-524126 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that “Land Document submitted Clarified Land Area 2873.76 Sq. Mtrs. BUILDUP Area 2517.00 Sq.Mtrs. Latest NEC submitted. The Institution submitted Faculty List.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was granted recognition to conduct D.El.Ed. programme in August 2013 and additional intake in the course was granted in April, 2016.

2. Appeal Committee noted that impugned order of withdrawal dated 28.07.2021 is on following grounds:-

i) Recommendation of the School Education Department Govt. of Andhra Pradesh by letter dated 29.06.2020.

ii) Inadequacy of Land

iii) Non submission of (a) Non-Encumbrance Certificate (NEC) and (b) Latest faculty List.

3. Appeal Committee noted that appellant institution by its letter dated Nil received in the office of SRC on 18.06.2021 had submitted that appellant institution did not give any admission directly except the candidates allotted by the DIETCET and the recommendation for disaffiliation was made in general without conducting any enquiry.

4. Appellant with its letter dated 18.06.2021 and also with its appeal memoranda had submitted copies of land documents building Completion Certificate, NEC and List of Faculty approved by Director, S.C.E.R.T.

5. Appeal Committee noted that appellant institution was inspected on 05.02.2016 at the time of granting addition intake in the course. Visiting Team report dated 05.02.2016 indicates that land at Survey No. 323/2 measuring 2874 Sq. Meters is owned by the society and total built-up area for existing D.El.Ed. and the additional intake is 21508 Sq.ft.

6. Appeal Committee noted that land and building documents available on regulatory file and the inspection report confirm to the submission made by appellant. Regional Committee before issuing impugned order of withdrawal should have confirmed from the SCERT whether the appellant institution in particular has violated terms and conditions of grant of affiliation and whether termination of affiliation is still continuing.

7. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

8. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

9. Appeal Committee decided to set aside the impugned order of withdrawal dated 28.07.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Viswam Institute of Teacher Education, 223/2 Naidupet, Nellore, Andhra Pradesh-524126
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 Andhra Pradesh.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-291/E-209485/2021 Appeal/23rd Meeting, 2021
APPLNRC202114156**

Shri Pramod Ji Mahila Mahavidyalaya, Kushahra, Dohri(Shahganj), Sonebhadra, Uttar Pradesh-231215 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Sudhir Kr. Mishra (Manager)
Respondent by	Regional Director, NRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Shri Pramod Ji Mahila Mahavidyalaya, Kushahra, Dohri(Shahganj), Sonebhadra, Uttar Pradesh-231215 dated 05/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-13842/327th Meeting/2020/213264 dated 23.02.2021 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "The reply to SCN dated 09.10.2019, received in NRC is incomplete. Hence, NRC decided to refuse/reject the application. The institution has not submitted (i) Certificate from the relevant department of the Government certifying that the Society is not for profit. (ii) Non encumbrance certificate issued by the competent government authority. (iii) Fire safety certificate

issued by the competent government authority. (iv) Building safety certificate from the competent government authority. (v) Certificate to the effect that the institutional campus building furniture is disabled friendly as per provisional of PWD/Govt. Authority.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Sudhir Kr. Mishra (Manager), Shri Pramod Ji Mahila Mahavidyalaya, Kushahra, Dohri(Shahganj), Sonebhadra, Uttar Pradesh-231215 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that “All the allegations made by NRC are baseless and wrong. The answers to all the information sought by the NRC on the 9/10/2019 were made available to them by registered post as per the time rules. Ignoring all those answers, our file was cancelled by making fresh allegations, which is completely wrong and baseless. This allegation is completely baseless. Because the certificate of non-profitability of the trust was attached with the document and the original copy thereof was made available to the members of the VT. The non-encumbrance certificate was also attached by me while applying for the or the allegation is also completely wrong and baseless and is liable to be rejected. This allegation is also completely false and baseless, whereas the renewed certificate of building safety certificate was provided by me along with the redressal letter (answer) of Show Cause Notice issued on 09.10.2019. This allegation is also completely false and baseless, whereas the renewed certificate of building safety certificate was provided by me along with the redressal letter (answer) of Show Cause Notice issued on 09.10.2019. This allegation is also completely false and baseless, whereas the renewed certificate of effect that the institutional campus building furniture is disabled friendly as per was provided by me along with the redressal letter (Answer) of show cause notice issued on 09.10.2019.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted from the regulatory file that a Show Cause Notice (SCN) dated 09.10.2019 was issued to appellant institution which was duly replied to by the appellant by its letter dated 30.10.2019 received in the office of NRC on 18.11.2019. Committee noted that appellant by its letter dated 30.10.2019 submitted to NRC following documents:-


- (i) Copy of letter dated 30.05.2019 issued by Mahatma Gandhi Kashi Vidyapeeth conveying approval for a graduation level course from academic session 2019-20.
- (ii) Building Structure Safety Certificate dated 20.05.2016.
- (iii) Certificate of disabled friendly building.
- (iv) Fire Safety Certificate dated 02.04.2019 and 11.04.2019

2. Appeal Committee noted that impugned refusal order dated 23.02.2021 mentions an additional deficiency which was not brought to the notice of appellant in the SCN dated 09.10.2019. Appellant had fully complied with the deficiencies pointed out in the SCN. Hence Appeal Committee decided that refusal of recognition on an additional ground of non-compliance which could have been rectified by the appellant is not sustainable. Committee decided to set aside the impugned refusal order and remand back the case to NRC with directions to revisit the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to set aside the impugned refusal order with directions to NRC to revisit the case.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Shri Pramod Ji Mahila Mahavidyalaya, Kushahra, Dohri(Shahganj), Sonbhadra, Uttar Pradesh-231215**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-292/E-210578/2021 Appeal/23rd Meeting, 2021
APPLSRC202114150**

St. Peters College of Education, Karumathampatti, Pudur Road, Coimbatore, Tamilnadu-641659 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. M. Shahabuddin Khan (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of St. Peters College of Education, Karumathampatti, Pudur Road, Coimbatore, Tamilnadu-641659 dated 29/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS04956/B.Ed./{TN}/2021/127847-7854 dated 08.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that " The institution has submitted a Notarized copy of LUC in regional language. The institution required to submit an English translated copy of it. The institution has not submitted NEC. The institution has submitted a lease deed executed on 02.02.1933 having Sy No. 460/3 &

460/1 at the time of Recognition and now another lease deed submitted executed on 15.06.2006. This is not permissible under NCTE Regulations 2014. The institution has submitted a Notarized copy of a building plan in which site area and multi-purpose area are not mentioned. The institution has not submitted a site plan. A letter dated 30.06.2009 has submitted was approved by Executive officer instead of Building Completion Certificate. The institution has not appointed a Fine Arts, Performing Arts & Physical Education Staff. Five Lecturers does not have NET/Ph.D. as per NCTE (Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. The faculty have not been approved by the affiliating body which is a mandatory requirement of NCTE Regulations. The institution has not submitted Form "A" issued by the Branch Manager."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. M. Shahabuddin Khan (Principal), St. Peters College of Education, Karumathampatti, Pudur Road, Coimbatore, Tamilnadu-641659 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "SRC vide its order dated 29.07.2021 has withdrawn our recognition observing deficiencies which were already clarified/ratified by our institution. 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. SRC NCTE vide its order dated 28.1.2006 granted recognition to the appellant institution for running the B.Ed. course with annual intake of 100 students. Further, a revised recognition order dated 30.04.2015 with intake of 100 students, was issued to the appellant institution. SRC issued the order dated 12.09.2017 reducing intake from 2 unit to 1 unit. SRC considered the matter of petitioner in its 369th meeting held on 28.01.2019 and issued a Show Cause Notice dated 16.08.2019. Accordingly, the petitioner institution vide letter dated 12.09.2019 submitted reply to the said Show Cause Notice. Final Show Cause Notice dated 12.04.2021 was issued to which Appellant institution submitted its reply dated 06.05.2021 alongwith documents. SRC in its 400th meeting held on 13th -14th July 2021, considered the matter of our institution and without considering the documents submitted by the appellant institution, issued the withdrawal order dated 29.07.2021 withdrawing recognition of our institution for conducting B.Ed. course. It is submitted that though appellant institution vide 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 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. The appellant institution is submitting the following documents: 1. Notarized copy of LUC in regional language with its English translated copy. 2. Copy of non-encumbrance certificate 3. Copy documents pertaining to land where the institution is functioning. 4. Notarized copy of a building plan in which Site area and multi-purpose area is mentioned. 5. Copy of site plan. 6. Copy of Building Completion Certificate. 7. Details pertaining to faculty regarding Fine Arts, Performing Arts & Physical Education Staff. 8. The faculty list having approval of affiliating body. 9. Copy of Form "A" issued by the Branch Manager. 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. The petitioner institution does not lack infrastructural and instructional facilities required as per the NCTE norms. It appears that SRC proceeded in arbitrary manner without considering the documents properly. The withdrawal order dated 29.07.2021 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

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was granted recognition for conducting B.Ed. programme by an order dated 28.12.2006. Appeal Committee noted that appellant institution with its application seeking recognition had submitted land documents pertaining to structure of SF No. 460/1A, 461/2. The V.T. report dated 31.10.2006 mentions that institution is functioning from its own building and title of land is in favour of the Society. Documents on regulatory file reveal that Coimbatore Diocese Society has entered into a lease agreement with Peter's College of Education for a period of 50 years. Appeal Committee noted that there is no Change in the Lease agreement submitted by applicant at the time of seeking recognition. The Sale deed of 1933 being referred to by SRC, in the impugned order is in fact a documents of Lessor to establish that property being leased is owned by the lessor through a Sale deed of February, 1933.

2. Appeal Committee noted that appellant with its appeal memoranda has resubmitted/submitted copies of documents found to be deficient. Appellant institution is required to submit copy of all these documents to SRC withing 15 days of the issue of appeal order.

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020,passed in W.P. (C) 4382/2021 has observedas follows:-

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

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020,passed in W.P. (C) 7260/2021 has observedas 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.”

9. Appeal Committee decided to set aside the impugned order of withdrawal dated 29.07.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revising the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, St. Peters College of Education, Karumathampatti, Pudur Road, Coimbatore, Tamilnadu-641659**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-293/E-210307/2021 Appeal/23rd Meeting, 2021
APPLSRC202114133**

Sri Ankala Reddy Memorial College of Education, Allagada, 702,703, Allagada, Kurnool, Andhra Pradesh-518543 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. K Ramalinga Reddy (Secretary)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sri Ankala Reddy Memorial College of Education, Allagada, 702,703, Allagada, Kurnool, Andhra Pradesh-518543 dated 18/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO0417/B.Ed./{AP}/2021/128628 dated 29.09.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “ The institution submitted photocopy of proforma of 16 faculty signed

by the Registrar on 02.07.2021 for B.Ed. programme and 11 faculty for M.Ed. course but the date of joining of faculty has not been mentioned. The institution was directed to submit copies of passbook certified by the bank establishing the fact that the salary to faculty is being disbursed through bank account but the same has not been submitted. The institution submitted a copy of LUC signed by the Tehsildar on 22.06.2008 alongwith the reply submitted vide letter dt. 30.01.2021 but the same was not on the letter head of the issuing authority. The institution submitted another LUC signed by the Tehsildar on 22.06.2009 alongwith the reply dt.06.08.2021 but the same also not on the letter head of the issuing authority. The institution submitted doubtful and different LUCs at different times. 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. K Ramalinga Reddy (Secretary),Sri Ankala Reddy Memorial College of Education, Allagada, 702,703, Allagada, Kurnool, Andhra Pradesh-518543 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "The institution submitted photocopy of proforma of 16 faculty signed by the Registrar on 02.07.2021 for B. Ed. Programme and 11 faculty for M.Ed. course the date of joining of faculty mentioned copy submitted. The institution was directed to submit the copies of passbook certified by the bank establishing the fact that the salary to faculty is being disbursed through bank account. Details submitted. LUC submitted. The Website of the institute is updated with the information."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order of withdrawal dated 29.09.2021 mentioned that withdrawal will be effective from 2021-22. As per provision 2 of section 17 (i) of the NCTE Act the order of withdrawal shall come into force only with effect from the end of the academic session next following the date of communication of such order.

2. Appeal Committee further noted that impugned order of withdrawal dated 29.09.2021 is for two courses i.e. B.Ed. and M.Ed. Appellant during the course of online hearing on 03.12.2021 stated that M.Ed. programme has been discontinued and its appeal is only for B.Ed. programme.


3. Appeal Committee noted that appellant institution is conducting B.Ed. programme with an intake of 3 units (150 seats). List of faculty submitted by appellant in reply to SCN/reminder dated 06.08.2021 contains the name of one Principal and 15 faculty whereas the requirement for an intake of 150 seats is 21 faculty. Appellant with its appeal Memoranda has submitted a list of faculty separately approved for its M.Ed. programme. Had the intention of appellant was to utilise the faculty of M.Ed. programme for B.Ed. programme, the appellant was required to state this fact to affiliating University and NCTE. Evidence of salary remitted into the bank accounts of this faculty has not been furnished. From the documents i.e. list of faculty submitted by appellant it is evident that all the faculty (1+15) for B.Ed. is appointed since 2015 and for M.Ed. from 2016. Appellant was therefore, required to submit salary remittance certificate (RTGS or electronic transfer or copy of passbooks) for the past period. Further the appellant has not submitted print out of website pages of institution.

4. Appeal Committee noted that appellant has failed to establish that B.Ed. programme was being conducted with required number of faculty and the appointed faculty was being paid salary in the previous years as per UGC/ State Govt. norms. Also there is no official communication addressed to the Regional Committee intimating withdrawal of M.Ed. programme, Appeal Committee decided to confirm the impugned order of withdrawal.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sri Ankala Reddy Memorial College of Education, Allagada, 702,703, Allagada, Kurnool, Andhra Pradesh-518543**
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 Andhra Pradesh.**



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-294/E-210294/2021 Appeal/23rd Meeting, 2021
APPLSRC202114144**

R.D.B. College of Education, Aryapuram, Papanasam, Thanjavur Tamilnadu-614205 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Govindaraju (Director)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of R.D.B. College of Education, Aryapuram, Papanasam, Thanjavur Tamilnadu-614205 dated 29/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS04517/B.Ed./{TN}/2021/128420 dated 27.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution was issued a final show cause notice. The institution has submitted its reply on 16.09.2019. The Committee observed the reply submitted by the institution and found following

deficiencies. The institution did not submit notarized English translation copy of NEC. The building plan submitted is neither approved nor legible. Faculty Strength (1+13) is not sufficient to run B.Ed. course of 2 units. Letters dated 12.09.2019 written by the institution to university establish that the institute failed in getting and submit to NCTE the latest approval of faculty as the faculty approved (1+13) in 2017 is not acceptable now. Area of Multipurpose Hall (602 sq.mtr.) which is not reflected in the building plan. The website of the institute is not updated with the information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulation, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Govindaraju (Director),R.D.B. College of Education, Aryapuram, Papanasam, Thanjavur Tamilnadu-614205 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that “SRC NCTE vide its order dated 30.08.2007 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students, Further, a revised recognition order dated 30.04.2015 with intake of 10 students, was issued to the appellant institution. SRC issued a Show Cause notice dated 15.03.2019 and accordingly the institution responded to the reply dated 04.04.2019. The SRC failed to consider the reply submitted by the institution. The SRC issued a Show Cause notice dated 30.08.2019 and accordingly the institution responded to the reply dated 16.09.2019. Despite submission of all the documents the SRC decided to withdraw the recognition observing the following deficiencies: 1. The institution did not submit the English translation Notarized copy of the NEC. 2. The building plan is neither approved nor legible. 3. Letters dated 12.09.2019 of the institution to university establish that the institution failed to get the approved faculty. 4. Faculty strength 1+ 13 is not sufficient. 5. Area of multipurpose hall not reflected in building plan. 6. Website of the institute not updated. It is submitted that though appellant institution vide 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. Now the appellant institution is again enclosing with its appeal, the documents which were desired by the SREC through show cause notices and submitted by the petitioner institution with its replies to the SRC. 7. 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. 8. That it is submitted that the petitioner institution does not lack infrastructural and instructional facilities required as per the NCTE, norms. 09. That it appears that SRC proceeded in arbitrary manner without considering the documents properly. 10. That it is submitted that thus, the withdrawal order dated 27.08.2021 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

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order of withdrawal dated 27.08.2021 has been made effective from the academic session 2021-22 which is not in consonance with proviso 2 of Section 17(i) of the NCTE Act.

2. Appeal Committee further noted that appellant institution with its appeal memoranda has submitted (i) Certified copy and English translation of sale deed, (ii) Land Use Certificate, (iii) NEC with English translation, (iv) BCC, (v) FDRs with Form ‘A’ (vi) List of faculty, (vii) website page printout.

3. Appeal Committee decided that appellant institution is required to submit to SRC within 15 days of the issue of Appeal order originals /copies of all the documents listed in above para.

4. Appeal Committee noted that the Hon’ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

5. Appeal Committee noted that the Hon’ble High Court of Delhi vide order dated 15/12/2020, 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.”

9. Appeal Committee decided to set aside the impugned order of withdrawal dated 27.08.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, R.D.B. College of Education, Aryapuram, Papanasam, Thanjavur Tamilnadu-614205**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-298/E-212171/2021 Appeal/23rd Meeting, 2021
APPLSRC202114163**

BGS College of Education, Sri Adichunchanagirikshethra, nagamangalaTaLUK, CHUNCHANALLI 122, Tumkur Road, Nagamangala,Mandya, Karnataka-571811 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Shivaramu (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of BGS College of Education, Sri Adichunchanagirikshethra, nagamangala Taluk, CHUNCHANALLI 122, Tumkur Road, Nagamangala,Mandya, Karnataka-571811dated 23/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/FRO/NCTE/APS08511/B.ED./{KA}/2021/28706dated 04.09.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Vide Final reminder dt. 10.03.2021 the institution was informed that faculty in respect of Fine Arts, Performing Arts and Physical Education are the part time lecturers which is not permissible under NCTE Regulations,2014. Now alongwith the reply submitted by institution vide letter dt.

24.03.2021 the institution submitted a photocopy of proforma of 3 faculty appointed for said courses but the same has not been certified by any of the authority of the Institution also the same do not contain date of approval of the affiliating body. These three faculties are shown to be appointed on 12.09.2020 and 08.03.2021 but was not included in the proforma of faculty submitted by the institution vide its letter dt. 15.03.2021. These three faculties are appointed on a salary of Rs. 17,000/- and 21,000/- p.m. whereas the clause 5.4 of Appendix 4 of NCTE Regulation, 2014 stipulates that "the terms and conditions of service of teaching and non-teaching staff including selection procedure, pay scales, age of superannuation and other benefits shall be as per policy of the State Government/ Affiliating body." The institution did not submit any proof regarding disbursement of salary of faculty and other staff through bank account as required under: Website of the institution is not functional with upload the information required under clause 8(6), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Shivaramu (Principal),BGS College of Education, Sri Adichunchanagirikshethra, nagamangala Taluk, Chunchanalli 122, Tumkur Road, Nagamangala,Mandya, Karnataka-571811appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "Fine Arts, M. A. in Music, M.P.Ed. 3 faculty fresh permanent appointment orders in issued notarized COPY and 3 faculty is approved by the registrar and competent authority with date seal and signature. Latest staff list approved by the competent authority for the academic year 2021-22 original is enclosed. 3 staff and all other staff Members also, we implemented state pay scale from the month of September 2021 and all the benefits of ESI, EPF and Gratuity already initiated. All staff are superannuation and other benefits as per state government. Teaching and Non-Teaching staff salary statement for the month of September is enclosed. Website screenshot is enclosed, and it is functional web address is www.bgsbed.org."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that a Final Show Cause (FSCN) dated 07.10.2020 was issued to appellant institution and the appellant by its reply dated 22.10.2020

submitted : (i) Certified copy of land document, (ii) NEC, (iii) Building Plan, (iv) BCC (v) FDRs (vi) Affidavit stating that there has been no change in land, Building and Trust deed.

2. Appeal Committee noted that impugned order of withdrawal is issued without a date of issue mentioned thereon and as such the date of order mentioned in the online appeal is accepted as 04.09.2021.

3. Appeal Committee noted that impugned order of withdrawal is made effective from academic session 2021-22 which is not in consonance of proviso 2 of section 17(i) of the NCTE Act.

4. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme since 2007 and intake of the programme was restricted to 50 seats from academic session 2015-16 on the basis of affidavit and willingness tendered by appellant at the time of grant of Revised Provisional Recognition Order.

5. Appeal Committee observes that reduction in the intake can be made at the request of applicant institution but enhancement in intake which tantamount to granting recognition for additional unit can be considered by Regional Committee only at a juncture when NCTE issues notification inviting applications for the particular programme.

6. Appeal Committee decided that appellant institution is required to submit to SRC within 15 days of the issue of appeal order the list of faculty approved by affiliating body containing the names of Principal and faculty appointed on full time basis. Appellant is further required to submit to SRC copy of all the documents which were found to be wanted in the case.

7. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

8. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

9. Appeal Committee decided to set aside the impugned order of withdrawal dated 04.09.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, BGS College of Education, Sri Adichunchanagirikshethra, nagamangalaTaLUK, CHUNCHANALLI 122, Tumkur Road, Nagamangala, Mandya, Karnataka-571811
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-299/E-212204/2021 Appeal/23rd Meeting, 2021
APPLSRC202114148**

Davangere University, Tholahunase, Bada Road, Davangere, Karnataka-577002 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Prof. Gayathri Devaraja, (Registrar)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Davangere University, Tholahunase, Bada Road, Davangere, Karnataka-577002 dated 30/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/SRCAPP2250/B.P.Ed/KA/2018/96722 dated 26.02.2018 of the Southern Regional Committee, refusing recognition for conducting B.P.Ed. Course on the grounds that "Not Replied LOI, Not Appointed Faculty."

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II. SUBMISSIONS MADE BY APPELLANT: -

Prof. Gayathri Devaraja (Registrar), Davangere University, Tholahunase, Bada Road, Davangere, Karnataka-577002 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "We submitted LOI we recruited faculty."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal order having been issued on 26.02.2018, the present appeal dated 30.09.2021 is delayed by more than 3 years and 5 months over and above the period of 60 days allowed, as per rules, for preferring appeal. Appellant has attributed the delay to change in the Administration of University and Covid Pandemic.

2. Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal order dated 26.02.2018 was issued after giving an opportunity to appellant institution to submit clarifications on points raised in the Show Cause Notice (SCN) dated 03.01.2018 and considering the reply dated 23.01.2018 submitted by appellant institution. Appeal committee noted that appellant had failed to prefer a timely appeal which was required to be made within 60 days of the impugned refusal order dated 26.02.2018. The appeal filed by appellant is more than 3 years and five months delayed and the reasons given for delay is not convincing.

3. During the course of online appeal hearing, appellant revealed that the appellant University is conducting B.P.Ed. programme without getting a recognition order issued by SRC/NCTE. Appellate Authority decided not to condone the undue and inordinate delay of more than 3 year and five months. Appellate Authority further decided that SRC should look into the matter of conducting teacher education programme by a University without getting recognition in accordance with the provisions of NCTE Act/Regulations.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded not to condone the delay of more than 3 years and five months and the appeal is not admitted.

The above decision is being communicated on behalf of the Appeal Committee.



Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Davangere University, Tholahunase, Bada Road, Davangere, Karnataka-577002
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-300/E-214777/2021 Appeal/23rd Meeting, 2021
APPLSRC202114137**

A.E.C.S. Ramapriya College of Education, 28/2, 29/4, Mulbagal Bangalore, Chennai Bye-Pass Road Mulbagal, Kolar, Karnataka-563131 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Prasad Reddy (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of A.E.C.S. Ramapriya College of Education, 28/2, 29/4, Mulbagal Bangalore, Chennai Bye-Pass Road Mulbagal, Kolar, Karnataka-563131 dated 22/09/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/APSO2255 dated 12.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The building plan is neither approved nor legible. Further the multipurpose hall is not available. Total build-up area of 1771.90 sq. mt. is not sufficient as stipulated under appendix 4 of NCTE Regulations, 2014. Proforma of faculty is not signed on each page and suffers from

overwriting. Details of website not submitted. Form 'A' issued by the bank for FDRs of Endowment Fund and Reserve Fund not submitted."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Prasad Reddy (Principal), A.E.C.S. Ramapriya College of Education, 28/2, 29/4, Mulbagal Bangalore, Chennai Bye-Pass Road Mulbagal, Kolar, Karnataka-563131 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "Approved Building Plan Submitted. Approved Faculty List Submitted. Details Submitted in Website. FDRs and Form "A" Submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was recognised to conduct B.Ed. programme since 2004 and revised recognition order under NCTE Regulation was issued on 18.05.2015 for an intake of 100 seats (Two Units of 50 each).

2. Appeal Committee noted that impugned order of withdrawal dated 12.08.2021 has been made effective from academic year 2021-22 which is not in consonance with proviso 2 of Section 17 (1) of the Act.

3. Appeal Committee further noted that appellant with its appeal memoranda has submitted copies of (i) BCC with multipurpose hall of 2100 Sq.Mtr., (ii) Building Plan, (iii) Letter of University dated 04.01.2020 conveying approval of faculty, (iv) Faculty List, (v) FDRs with Form 'A'. Appeal Committee decided that appellant institution is required to submit to SRC within 15 days of the issue of appeal order Original/copies of required documents.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

6. Appeal Committee decided to set aside the impugned order of withdrawal dated 12.08.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online submissions made by appellant, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, A.E.C.S. Ramapriya College of Education, 28/2, 29/4, Mulbagal Bangalore, Chennai Bye-Pass Road Mulbagal, Kolar, Karnataka-563131
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-302/E-216218/2021 Appeal/23rd Meeting, 2021
APPLWRC202114175

Jijamata Bahu UddyashiyaShikshanPrasarak Mandal, Patoda (BK) Manvendra Kendre Bed College Jalkot, 171. JalkotUdgir, Latur Maharashtra -413532 APPELLANT	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. KendreAmarm (President)
Respondent by	Regional Director, WRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Jijamata Bahu UddyashiyaShikshanPrasarak Mandal, Patoda (BK) Manvendra Kendre B.Ed. College Jalkot, 171. JalkotUdgir, Latur Maharashtra -413532 dated 23/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/217259 dated 28.08.2021 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted only the scanned copy of the

staff list, wherein the stamp and signature of Registrar has been affixed only on last page. The institution has not submitted the change of land use certificate, non-encumbrance certificate, building plan and building completion certificate as asked for the in the show cause notice.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Kendre Amarm (President), Jijamata Bahu Uddyashiya Shikshan Prasarak Mandal, Patoda (BK) Manvendra Kendre Bed College Jalkot, 171. Jalkot Udgir, Latur Maharashtra - 413532 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that “the institution has duly complied with the directions of the WRC and had sent the documents immediately after the minutes of the meeting whereby withdrawal order was issued. It is submitted that no show cause was issued to the institution after the court order was submitted by the institution. All the original documents are being submitted for perusal and consideration. The documents are attached for ready reference. It is most respectfully submitted that the institution has duly complied with the directions of the WRC. It is submitted that no show cause was issued to the institution after the court order was submitted by the institution. All the original documents are being submitted herewith for perusal and consideration. The documents are attached herewith for ready reference.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition granted for conducting B.Ed. programme for 100 seats from academic session 2015-16 by order dated 31.05.2015 was first withdrawn by an order dated 03.09.2019. Before issuing withdrawal order the appellant institution was issued Show Cause Notice (SCN) dated 02.01.2017 seeking approved staff profile and notarised copies of CLU, NEC, Building Plan, BCC. Appellant preferred appeal dated 20.09.2019 and Appellate Authority by its order dated 15.07.2020 confirmed the impugned order of withdrawal dated 03.09.2019.

2. Appeal Committee noted that appellant institution filed a WP. No. 5002/2020 & CM Appl. 18008/20 in the High Court of Delhi at new Delhi. Hon'ble High Court by its order dated 13.10.2020 remanded back the case to WRC with following directions:

“In these facts and circumstances, the matter is remanded back to WRC to reconsider the case of the petitioner as per law

taking into account the documents which have been filed in this court. In the meantime, as the withdrawal order is operative from the end of the next academic year namely end of 2020-21, the petitioner is permitted to participate in the counselling for the present academic year. The respondent will take appropriate steps including correction on the website and appropriate intimation to the concerned department of higher education, State of Maharashtra and to the concerned affiliating university. Needful be done within three days. The WRC is free to deal with the case of the petitioner uninfluenced by any observations made by this court."

3. Hon'ble High Court of Delhi subsequently by an order dated 13.04.2021 made in WP (C) 4630/2021 and CM Appl. 1422/2021 decided that the appellant will be entitled to participate in the counselling for the years 2021-22 and subsequent academic years.
4. Appeal Committee noted that appellant institution by its letter dated 26.02.2021 and 23.04.2021 requested WRC to give revised continuation order for 2021-22.
5. Appeal Committee noted that taking cognizance of the orders issued by Hon'ble High Court of Delhi, WRC in its 339th meeting held on 28th to 30th July, 2021 decided to confirm the order of withdrawal as the appellant institution had failed to submit the original list of faculty and other documents listed i.e. Change of Land Use, Non Encumbrance Certificate, Building Plan, BCC. WRC issued a fresh withdrawal order dated 28.08.2021.
6. Appeal Committee noted that aggrieved by the withdrawal order dated 28.08.2021 appellant filed another WP (C) 11787/2021 and CMM Appl. 36494/2021 in the High Court of Delhi and Hon'ble Court by an order dated 12.10.2021 allowed the petitioner institute to admit students for the academic session 2021-22 and WRC was directed to file an affidavit explaining the position within 3 weeks.
7. Appeal Committee noted that though appellant was well aware, through the Show Cause Notice dated 02.01.2017 and withdrawal order dated 03.09.2019, about the deficiencies and requirements of the case yet it did not of its own, submit to WRC the documents required. After recently issued withdrawal order dated 28.08.2021 appellant submitted clarifications which were

received in the office of WRC on 20.10.2021. Appellant with its letter referred above also requested WRC to restrict its intake to one Unit i.e. 50 seats. It is pertinent to note here that faculty requirement is reduced to half when intake is reduced and appellant institution is allowed by the Hon'ble High Court to participate in Counselling for the years 2020-21 and 2021-22 without mentioning any reduction in the intake. Appellant with its letters received in the office of WRC on 10.09.2021 and 20.10.2021 has submitted faculty approval letters for photographs, building plan, certificates of village Panchayat which are in vernacular language.

8. Appeal Committee noted that in view of the order dated 12.10.2021 of Hon'ble High Court of Delhi in WP.(C) 11787/2021 CM Appl. 36494/2021 allowing appellant institution to take admissions, the impact of withdrawal order dated 28.08.2021 is neutralised. Appeal Committee, therefore, decided that appellant institution should submit to WRC within 15 days of the issue of appeal order (i) original faculty list approved by affiliating body, (ii) Building Plan, (iii) BCC in prescribed Performa. (iv) Change of Land Use Certificate, (v) Non Encumbrance Certificate. The documents (with English translation) to be submitted to WRC should be signed and authenticated by appropriate authorities. As an evidence of having appointed and maintained the required number of faculty, the appellant institution should also submit to WRC proof of payment of salary to faculty and staff as required under clause 10(2) of NCTE Regulation, 2014.

9. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

10. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

11. Appeal Committee decided to set aside the impugned order of withdrawal dated 28.08.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record, submission made online and order dated 12.10.2021 of Hon'ble High Court of Delhi in WP (C) 11787/2021 & CM Appl. 36494/2021, Appeal Committee of the Council concluded to remand back the case to WRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Jijamata Bahu Uddyashiya Shikshan Prasarak Mandal, Patoda (BK) Manvendra Kendre Bed College Jalkot, 171. Jalkot Udgir, Latur Maharashtra -413532**
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 Maharashtra.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-303/E-216251/2021 Appeal/23rd Meeting, 2021
APPLSRC202114169**

G B R Elementary Teacher Education Institute, 310 AnaparthiRajanagaram Road, Anaparthi, East Godavari, Andhra Pradesh-533342 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Gontu Hari Prasad, (Administrative Officer)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND S OF WITHDRAWAL

The appeal of G B R Elementary Teacher Education Institute, 310 AnaparthiRajanagaram Road, Anaparthi, East Godavari, Andhra Pradesh-533342 dated 22/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP877/DEL.ED.-AI/AP/2021/128412 dated 27.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting for D.El.Ed. Course on the grounds that "The Institution failed to submit satisfactory explanation on the observation made by the School Education Department,

Govt. of AP. The institution made admission into the D.El.Ed. course during the academic year 2018-19 on their own in violation of govt. orders.”

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Gontu Hari Prasad, (Administrative Officer), G B R Elementary Teacher Education Institute, 310 AnaparthiRajanagaram Road, Anaparthi, East Godavari, Andhra Pradesh-533342 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that “SRC NCTE granted formal recognition in the year 2005 to our GBR Elementary Teacher Education Institute to offer D.Ed. course with an annual intake of 50 students and later in 2012 granted recognition to offer an additional intake in the same course with 50 students in D.El.Ed. course. Accordingly, we are offering D.El.Ed. course successfully with 100 result and an average of 90 placements (Both in Govt & Private sector). Due to various reasons in the state of Andhra Pradesh there were poor admissions into D.El.Ed. course since 2013-2014 academic years. So, since 2014 the managements are giving admissions to the students who are not qualified in AP DEECET into leftover seats in Cat-A and Cat-B seats and the government of AP ratifying such admissions. This procedure was continued till 2018. Based on the previous procedure, we submitted a request to the principal Secretary, School education, Andhra Pradesh to permit us to admit the students who don't qualify DEECET also in leftover seats of Cat-A and Cat-B seats in the academic year 2018-19. Though we submitted a request to the principal Secretary, School Education, Government of AP, we have not admitted any student in left over seats of Cat-A and Cat-B seats. But your authorities issued a Final Show- cause notice to give the explanation to the complaint raised by the commissioner, School Education, AP on 21-08-2020. According, we submitted reply along with proper explanation and required documents as sought by your office on 21-09-2020 & 26-02-2021. As the SRC NCTE authorities not satisfied with explanation, the Formal Recognition of our institution was withdrawn in 11th meeting of SRC held from 11th Aug to 12th Aug. As we haven't admitted any student in left over seats of Cat-A and Cat-B in the academic year 2018-19, We approached the Department of School Education, Government of Andhra Pradesh to withdraw the decision taken by them and exempt our college from de-recognition and proposed penal action. Based on our request the government directed to Principal, Govt. DIET, Bommuru to conduct inspection in the college to find out and report the facts regarding the admissions in academic year 2018-19. Accordingly, Principal, Govt. DIET, Bommuru conducted inspection and submitted the report to government

stating that no admissions were made by the college by violation rules laid down in GO.MS 30. Based on the report of the Principal, Govt.DIET, Bommuru, the Director of School Education, AP exempted our GBR Elementary Teacher Education Institute from proposed penal action and de-recognition through the proceedings ESE02-22021/131/2020-EST 3-CSE dt.27/08/2021 and the same was also communicated to your office through mail. Further I am hereunder giving the explanation to the points mentioned in the withdrawal order for your kind perusal and for necessary favourable action. Point 3 (a): The institution has submitted notarized photocopy of Building Plan and Site Plan in which the Multipurpose Hall is not mentioned, and the built-up area and site area are not readable. Explanation: we are herewith submitting the clear and transparent copies of Building Plan and Site Plan. Moreover, we have a Multipurpose Hall with adequate build-up area as per NCTE2014 norms and the same was also highlighted in the plan for your kind reference. Point 3(b): The institution has submitted faculty approval letter approved by Director of SCERT vide letter dated 10.07.2018, the latest list and approval has not submitted. Explanation: Faculty appointed in our institute was approved by the Director of SCERT vide letter dated 10.07.2018 and there was no change in the existing faculty. Hence, we submitted the same. Moreover, there no guidelines laid down by the Director, SCERT to renew the faculty every year though there are no changes in the existing faculty. Anyhow, we submitted a request to the Director, SCERT, AP for issue of renewal faculty approval letter on 20-09-2021 and we are waiting for the renewal faculty approval letter. Soon after receiving the renewal faculty approval letter, we will submit the same to you for your kind verification and for necessary favourable action. Point 3 (c): The institution has not satisfactorily replied with reference to irregularities made the institution as pointed out by the School Education Department Government of Andhra Pradesh vide letter No. 359/A/SCERT/2019 dated 29.06.2020. Explanation; As the Director School Education, Andhra Pradesh exempted our GBR Elementary Teacher Education Institute from proposed Penal action & De-recognition through its Proceedings ESE02-22021/131/2020-EST 3-CSE dt. 27/08/2021, the remark may not be applied, and I request your kind enough to consider the fact and do the needful. Hence, I humbly request you to kindly verify the documents and explanation submitted by us and restore the formal recognition of our G.B.R. Elementary Teacher Education Institute. Your kind action will help the poor students of our rural area who are seeking admission into D.El.Ed course in our G.B.R. Elementary Teacher Education Institute and they will be grateful to you forever.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order dated 27.08.2021, was mainly on the ground that School Education Department, Govt. of Andhra Pradesh had made a complaint alleging violation of government order in matters of admission during 2018-19.

2. Appeal Committee noted that appellant institution with its appeal memoranda has submitted copy of a communication dated 23.08.2021 issued by Government of Andhra Pradesh. As per this communication appellant institution has been exonerated stating that this college has not made any spot admission for the academic session 2018-19.

3. Appeal Committee therefore, decided to remand back the case to SRC for revisiting the matter after verifying the status of appellant institution from the School Education Department of the State Government of Andhra Pradesh.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

6. Appeal Committee decided to set aside the impugned order of withdrawal dated 27.08.2021 and the case is remanded back to SRC for revisiting the matter as per NCTE Regulation, 2014.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.



Deputy Secretary (Appeal)

Copy to :-

1. The Principal, G B R Elementary Teacher Education Institute, 310 AnaparthiRajanagaram Road, Anaparthi, East Godavari, Andhra Pradesh-533342
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 Andhra Pradesh.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-304/E-216899/2021 Appeal/23rd Meeting, 2021
APPLSRC202114170**

Vivekananda College of Education, Puttur, Dakshina Kannada d, PutturKasaba 149/p3,149/p4,149/p6,149,148, Puttur, Thenkila, South Kannada, Karnataka-574201 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Bhaskara (Executive officer)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of Vivekananda College of Education, Puttur, Dakshina Kannada d, PutturKasaba 149/p3,149/p4,149/p6,149,148, Puttur, Thenkila, South Kannada, Karnataka-574201dated 06/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRC/APS02294dated 14.09.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution submitted a proforma of 1 Principal and 7 faculty signed by the Registrar, Mangalore University on 12-11-2020. The faculty strength is not enough to run B.Ed. course with 1 unit as stipulated under clause 5 of Appendix 4 of NCTE Regulations 2014. The institution submitted the building plan but the same is neither

approved nor legible as the size of the rooms, hall, library, labs etc. are not clearly legible. The institution is running English Medium School and D.Ed. course but demarcated building plan for each course has not been submitted. Website of the institution is not functional with upload the information required under clauses 8(6), 8(14) and 10(3) of NCTE Regulations 2014. It is observed from the Land records 1.82 cents registered in the favour of Society Puttur Education Society in the year 1994. Since then, the Society is running English Medium School in said premises. Meantime Society's name got changed by the same is not affected in the Land documents. The Management obtained recognition for B.Ed. programme with 100 intake showing school as temporary accommodation. Subsequently the management also obtained recognition for D.Ed. programme again, in the same premises. The management has not made any efforts so far to acquire land and constructed building exclusively for the Teacher Education."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Bhaskara (Executive officer), Vivekananda College of Education, Puttur, Dakshina Kannada d, Puttur Kasaba 149/p3, 149/p4, 149/p6, 149, 148, Puttur, Thenkila, South Kannada, Karnataka-574201 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "New faculty list approved by the Registrar, Mangalore University as per NCTE Regulations 2014 for B.Ed. course with one unit (50 student intake) is enclosed. Separate building plan of Second floor approved by Commissioner, Puttur Town Municipal Council, is enclosed. Vivekananda College of Education (B.Ed.) has been running since 2004 in the same premises where we are running the college at present. In same building English Medium School has been running since 2001. In the ground and First floor the English Medium School having 4933.72 sq.mtr (53087 sq.ft) areas is functioning and the second floor having 2466.86 sq.mtr. arears in exclusively used for B.Ed. Course only. We have got recognition in 2004 to start the D.Ed. course in the same premises. D.Ed course was functioning in the second floor of the building but we could not admit students since 2015 as none came forward seeking admission to D.Ed course. Hence, we closed the D.Ed. course and informed to the Special Officer, Central Admission Cell, Bangalore vide our letter No. VTTI/ADM/2017-18 dated 01-08-2017 (copy of the letter enclosed). Therefore, now the entire floor space of second floor is used for running B.Ed. course. We are updated the Website as per NCTE Regulations. Screen shot of the website is enclosed. The land and building are owned by Puttur Education Society ® and only name of the Society was revised as "Vivekananda Vidhyavardhaka Sangha Puttur®" on 12.01.2009 for which we have taken the approval from Registrar of Societies and Income Tax

Department. The Copies for the same are enclosed. When we started the B.Ed. course in 2004 the building was having 3 floors-ground and First floor fully completed and the 2nd floor was partial completed. Later we completed the construction work of 2nd floor and the same was used for B.Ed. course. The Ground and first floor building having 4933.72 sq. mtr (53089 sq.ft) areas is used for English Medium School and the Second Floor having 2466.86 sqmtr (26543 sq.ft) areas is exclusively used for B.Ed. course is functioning. Presently the Vivekananda Vidyavardhaka Sangha puttur ® has holding 11.48 acres of land in the same campus where B.Ed. course in functioning. The Land Khatha details are enclosed (both in Kannada and English translate.).”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was recognised to conduct B.Ed. programme with an intake of 100 seats from 2004-05. Appeal Committee further noted that SRC has issued impugned withdrawal order dated 06.10.2021 making it effective from academic session 2021-22 which is not in consonance of proviso 2 of Section 17(1) of the NCTE Act.

2. Appeal Committee noted that appellant with its appeal memoranda has submitted copy of (i) BCC, (ii) Building Plan, (iii) Printout of website and list of faculty containing the names of 1 Principal, 7 faculty and 3 staff. Appellant also stated that it is functioning from premises owned by it since inception.

3. Appeal Committee decided that with the above faculty the appellant institution qualifies only for an intake of one Unit (50 seats). As regards change in the name of society is concerned, SRC is required to seek legal opinion as NCTE Regulations neither approved nor prohibit the change of society.

4. Appeal Committee noted that the Hon’ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner.”

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

6. Appeal Committee decided to set aside the impugned order of withdrawal dated 14.09.2021 and remand back the case to SRC for revisiting the matter after obtaining legal opinion on change of name of the Society and the intake of B.Ed. programme should be decided with reference to the Norms & Standards for the course.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Vivekananda College of Education, Puttur, Dakshina Kannada d, Puttur Kasaba 149/p3, 149/p4, 149/p6, 149, 148, Puttur, Thenkila, South Kannada, Karnataka- 574201
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



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-305/E-216933/2021 Appeal/23rd Meeting, 2021
APPLSRC202114154**

Mohammadi College of Education Gulbarga, SY.No.43/c, Panegoan Cross, SirnoorJewargi Road, G,FarthabadJewargi Road Gulbarga, Karnataka-585308 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Shridhar Borana (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of Mohammadi College Of Education Gulbarga, SY.No.43/c, Panegoan Cross, SirnoorJewargi Road, G,FarthabadJewargi Road Gulbarga, Karnataka-585308 dated 05/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO3340/B.Ed./KA/2021/128367 dated 24.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The LUC is not issued in favour of the society/institution. It is observed that multipurpose hall is too small and is to be extended as required in. The latest faculty list duly approved by the affiliating university as per NCTE regulations amended from time to time is required."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Shridhar Borana (Principal), Mohammadi College of Education Gulbarga, SY.No.43/c, Panegoan Cross, SirnoorJewargi Road, G,FarthabadJewargi Road Gulbarga, Karnataka-585308 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "The LUC is issued in the name of the Mohammadi College of Education (B.Ed.) under Islamia Education Trust, Gulbarga (kalaburagi) for education purpose. Certificate issued by tahsildar with order no. ref/Ind/117/2021-22/505 dated 28/09/2021 Gulbarga (kalaburagi) the copy of same having notarized is enclosed. As per the NCTE norms we have extended the multipurpose hall with seating capacity of more than 250 students. Photos of multipurpose hall are enclosed for your perusal. The list of required teaching staff as per NCTE regulation approved by the affiliating Gulbarga university Gulbarga (Kalaburagi) with order no. Guk/Aca/B.Ed./Staff approval/2021-22/934 dated 05/10/2021. The copy of same having notarized is enclosed for your ready reference and perusal."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme with an intake of 100 seats since 2000-2001. Appeal Committee further noted that SRC has issued impugned withdrawal order dated 24.08.2021 making it effective from academic session 2021-22 which is not in consonance of proviso 2 of Section 17(1) of the NCTE Act.

2. Appeal Committee further noted that appellant institution has with its appeal submissions, forwarded (i) Copy of Building Completion Certificate, (ii) Printout of website pages, (iii) CLU, (iv) List of faculty with approval letter issued by Gulbarga University.

3. Appeal Committee noted that appellant institution is required to submit original/Copy of above documents to SRC within 15 days of the issue of appeal order. Particularly the BCC should be in prescribed Performa, signed and issued by Competent Authority.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

6. Considering that appellant has submitted copy of documents found to be wanted as per SCN, Appeal Committee decided to set aside the order of withdrawal dated 24.08.2021 and remand back the case to SRC for revisiting the matter.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Mohammadi College of Education Gulbarga, SY.No.43/c, Panegoan Cross, SirnoorJewargi Road, G, FarthabadJewargi Road Gulbarga, Karnataka-585308**
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



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-306/E-217064/2021 Appeal/23rd Meeting, 2021
APPLNRC202114165**

RampalBitana Mahavidyalya, LakhanaKheraKhajuhaMugal Road, Bindki Uttar Pradesh, Fatehpur-212657 APPELLANT	Devi 178	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Ramakant Uttam (M.D.)
Respondent by	Regional Director, NRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF REFUSAL

The appeal of RampalBitana Devi Mahavidyalya, 178 LakhanaKheraKhajuhaMugal Road, Bindki Uttar Pradesh, Fatehpur-212657 dated 17/10/2021 filed under Section 18 of NCTE Act, 1993 is against the decision of 235 Meeting of NRC held from 15 to 18 April 2015, Minutes of the meeting revealed that Northern Regional Committee decided to refuse recognition for conducting B.Ed. Course on the grounds that "The Institution have two application one for B.Ed. and second for D.El.Ed. course. As per clause 8(2) of NCTE Regulations, 2009 Only one application can be considered."

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Ramakant Uttam (M.D.), Rampal Bitana Devi Mahavidyalaya, 178 Lakhana Khera Khajua Mugal Road, Bindki Uttar Pradesh, Fatehpur-212657 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "Rampal Bitana Devi Mahavidyalaya me B.Ed. keliye alag building hai aur D.El.Ed. keliye alag building hai aur sanstha dwara B.Ed. course band karne keliye koi application NCTE ko nahipreshit kiya hai."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant with its appeal memoranda has enclosed copy of the Minutes of 235th Meeting of NRC held on 15th to 18th April, 2015. As per minutes recorded against case listed at Serial No. 42 it is recorded that "The request of the institution for withdrawal of application is accepted."

2. Appeal Committee noted from the impugned minutes that application for B.Ed. was returned on the request of appellant institution and as such no order was required to be issued. Prior to the NCTE Regulation 2014 applicants were allowed to submit only one application at a time and so appellant might have been given an option to withdraw one application.

3. There was no appealable order issued under Section, 14 Section 15 or Section 17 of the Act. Moreover the case pertains to the year 2015 and there is no communication between NRC and the appellant thereafter. Appellant stating the reason for delay has only mentioned, that "Letter not received to institution."

3. Appeal Committee noted that appellant has not enclosed with its appeal memoranda copy of any order appealable under the NCTE Act and also there is a delay of more than six years after the impugned decision was taken in the meeting of NRC.

4. Appeal Committee decided that neither the delay is condonable nor it is an appeal under Section 17 of the NCTE Act.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded that neither the delay is condonable, nor it is an appeal under Section 17 of the NCTE Act. Hence, the appeal is not admitted.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Rampal Bitana Devi Mahavidyalya, 178 Lakhana Khera Khajuha Mugal Road, Bindki Uttar Pradesh, Fatehpur-212657**
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.



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**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-308/E-218817/2021 Appeal/23rd Meeting, 2021
APPLNRC202114168**

Swatantrata Sangram SenaniVishram Singh Government Post Graduate College Chunar Mirzapur,19- 3.601H, Chunar, Mirzapur Uttar Pradesh -231304 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. Subedar Yadav (Asst. Prof.)
Respondent by	Regional Director, NRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Swatantrata Sangram SenaniVishram Singh Government Post Graduate College Chunar Mirzapur,19-3.601H, Chunar, Mirzapur Uttar Pradesh -231304 dated 21/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-9827/306th Meeting/2019/205944 dated 18.09.2019 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “SCN was issued to the institution vide letter no. 202565-66 dated 30.04.2019 to appoint the members

of faculty as per the NCTE regulation, 2014. The institution has not submitted the list of teaching faculty for the proposed course.”

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Subedar Yadav (Asst. Prof.), Swatantrata Sangram Senani Vishram Singh Government Post Graduate College Chunar Mirzapur, 19-3.601H, Chunar, Mirzapur Uttar Pradesh -231304 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that “Institution by its letter 77/AATH-7/2019-20 Dated 16/05/2019 requested along with letter of Director Higher Education Uttar Pradesh regarding appointment/posting of teacher. NCTE have not considered it. Now posts of B.Ed. faculty have been filled by Government of Uttar Pradesh.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant is a Government Institution and Appellate Authority on an earlier occasion had remanded back its case for reconsideration by an Appellate order dated 24.12.2018. It is seen from the regulatory file and the documents submitted by appellant institution that appointment of faculty is done by the Higher Education Department of the Govt. of Uttar Pradesh in piecemeal by posting/Transfers.

2. Considering that appellant institution is a government run institution, Appeal Committee decided to remand back the case to NRC for revisiting the matter subject to the condition that appellant submits a complete and comprehensive list of faculty to NRC within 15 days of the issue of appeal order to conduct the programme as per NCTE Regulation, 2014 as amended from time to time.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to

remand back the case to NRC for revisiting the matter subject to the condition that appellant submits a complete and comprehensive list of faculty to NRC within 15 days of the issue of appeal order.

The above decision is being communicated on behalf of the Appeal Committee.



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Swatantrata Sangram Senani Vishram Singh Government Post Graduate College Chunar Mirzapur, 19-3.601H, Chunar, Mirzapur Uttar Pradesh -231304**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-309/E-221220/2021 Appeal/23rd Meeting, 2021
APPLSRC202114179**

AET College of Education B ED, Swarnasandara Mc Road Mandya, 1 Mandya Mc Road Mandya Karnataka-571402 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Mohan Das (Administrative officer)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of AET College of Education B.Ed. Swarnasandara Mc Road Mandya, 1 Mandya Mc Road Mandya Karnataka-571402 dated 15/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. 128358 SRC dated 24.08.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Faculty List is not approved. BP is not legible. Non-Encumbrance Certificate is not submitted. Land usage is not submitted. Website not updated."

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Mohan Das (Administrative officer), AET College of Education B.Ed. Swarnasandara Mc Road Mandya, 1 Mandya Mc Road Mandya Karnataka-571402 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "Faculty list is approved by competent authority. BP approved by competent authority is enclosed. Latest Non-Encumbrance is submitted. Land usage is enclosed. Website is updated screen shot is enclosed."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was recognised to conduct B.Ed. programme with an intake of 100 seats from academic session 2004-05 and revised recognition order under NCTE Regulation, 2014 was issued on 02.07.2015. Appeal Committee further noted that SRC has issued impugned withdrawal order dated 24.08.2021 making it effective from academic session 2021-22 which is not in consonance of proviso 2 of Section 17 (1) of the NCTE Act.

2. Appeal Committee noted that appellant with its appeal memoranda has submitted (i) List of faculty approved by affiliating University, (ii) Copy of Legible Building Plan, (iii) NEC, (iv) CLU issued by Town Planning Authority, (v) website Print.

3. Appeal Committee decided that appellant institution is required to submit original/copy of all the required documents to SRC within 15 days of the issue of appeal order.

4. Considering that appellant has submitted copy of all the documents found to be wanted in the case, Appeal Committee decided to set aside the order of withdrawal dated 24.08.2021 and remand back the case to SRC for revisiting the matter.

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

6. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, AET College of Education B ED, Swarnasandara Mc Road Mandya, 1 Mandya Mc Road Mandya Karnataka-571402**
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-311/E-222433/2021 Appeal/23rd Meeting, 2021
APPLSRC202114171**

B T L College of Education, 259/b, Bommasandra Industrial Area, Hosur Road, BA, 240/241/242-259/B, Bommasandra, Hosur Main Road Anekal, Bangalore, Karnataka-560099 APPELLANT	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Dr. M.S. Vijay Kumar (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of B T L College of Education, 259/b, Bommasandra Industrial Area, Hosur Road, BA, 240/241/242-259/B, Bommasandra, Hosur Main Road Anekal, Bangalore, Karnataka-560099 dated 25/10/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO3719/B.Ed./{KA}/2021/128753 dated 07.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The initial recognition was granted to the institution on the land at Survey no. 259/B, measuring 28,335 sq.mts in Bommasandra, Industrial Area Attibele, Hobli whereas the institution has with the reply submitted vide letter dt. 30.03.2020 submitted a copy of letter dt. 21.07.2000 issued by the

Am

Karnataka Industrial Areas Development Board regarding handing over the possession of land at S.Nos. 13/1,2,3,4, 14/1, 2,3,19,20 and 21/1 measuring 5.26 acres. Change in location observed which is not permissible under clause 8(9) of NCTE Regulations, 2014. The institution is required to clarify the same and if it is so, the institution is required to submit the application for shifting of premise as required under clause 8(9) of NCTE Regulations, 2014. The institution submitted building plan but the same is not only 92.67 sq.mts. (997.49 sq.ft) which is the violation of requirement laid down under clause 6(ii)(b) of Appendix 4 of NCTE Regulations, 2014. The institution submitted copy of letters dt. 23.05.2018 (appointment of Principal), 10.04.2018 (appointment of Principal and 5 faculty and 16.01.2020 are subject to condition to clear NET /SLET within two years and obtain a PG degree in disciplinary subject which is not permissible under Appendix 4 of NCTE Regulations, 2014. Further, the proforma of faculty duly approved by the affiliating body have not been submitted. Faculty strength is also not enough as stipulated under clause 5.1 of appendix 4 of NCTE Regulations, 2014. The institution has submitted Possession Certificate which is not legible. The institution did not submit Non-Encumbrance Certificate. The institution has submitted BCC but required to prescribe format as per NCTE Regulations, 2014. The institution has submitted original FDRs of Endowment and reserve funds of Rs. 5 lakhs & 3 lakhs are matured. Website of the institution is not functional with upload the information required under clause 8(6), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. M.S. Vijay Kumar (Principal), B T L College of Education, 259/b, Bommasandra Industrial Area, Hosur Road, BA, 240/241/242-259/B, Bommasandra, Hosur Main Road Anekal, Bangalore, Karnataka-560099 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "There is no change in the land. The initial recognition was granted to the institution on the same land at Plot no. 259/B in the Sy. No.240,241,242. We are submitting herewith certified copy of the land document along with Affidavit in Rs.100/- with Notary attestation mentioned that our institution is running in the same land and building from the date of recognition to till date. The Possession Certificate submitted earlier by mistake in our correspondence dated 30.03.2020. We are submitting herewith the correct Possession Certificate from KIADB issued by administrative officer. We have sufficient building with G+3 and we are submitting herewith the approved and notarized building plan with earmarked Multipurpose Hall in third floor measuring about 191.40 Sq.m. We are submitting herewith the latest qualified staff list approved by the Registrar, Bangalore University. We are

submitting herewith the legible and notarized Possession Certificate from KIADB issued by Assistant Engineer. We are submitting herewith the Non-Encumbrance Certificate in ORIGINAL along with English Translated version for kind perusal. We are submitting herewith the Building Completion Certificate in the prescribed format duly approved. We are submitting herewith the original form A issued by the bank and attested renewed FDR copies of Rs. 4+3 lakhs and Rs. 5 lakhs for consideration. Our institution is having exclusive website for B.Ed. college with all the information uploaded as per the NCTE Regulations. Our website is www.btlbed.org."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution was recognised to conduct B.Ed. course from academic session 2005-06 and recognition granted was withdrawn by issue of impugned order of withdrawal dated 07.10.2021. Appeal Committee noted that withdrawal of recognition from academic session 2021-22 by an order dated 07.10.2021 is not in consonance of proviso 2 of Section 17 (1) of NCTE Act.

2. Appeal Committee noted that impugned order dated 07.10.2021 was issued on 8 grounds the most important of which is whether the institution is functioning/conducting the programme from a place where it was granted recognition in January, 2006. Bonafide doubt has arisen as appellant institution had submitted land and building documents pertaining to a different place. Appellant with its appeal memoranda has submitted copy of documents pertaining to property No. 259 B, Survey No. 240/241/242 which is a place where recognition was granted. Appellant in its appeal memoranda has stated that Possession Certificate submitted earlier in response to Show Cause Notice was by mistake.

3. Appeal Committee noted that appellant institution has submitted copies of documents found to be wanted in the case such as (i) BCC, (ii) Form 'A' (iii) FDRs, (iv) Building Plan and List of Faculty approved by affiliating university. Appellate institution is required to submit to SRC within 15 days of the issue of appeal order, original/copies of all the documents furnished with its appeal memoranda.

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

5. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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.”

6. Appeal Committee decided to set aside the order of withdrawal dated 07.10.2021 and remand back the case to SRC with an advice that inspection may be conducted if required to verify the actual location of appellant institution. Such inspection will further clarify the availability of necessary infrastructural facilities.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to SRC for revisiting the matter.

The above decision is being communicated on behalf of the Appeal Committee.


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, B T L College of Education, 259/b, Bommasandra Industrial Area, Hosur Road, BA, 240/241/242-259/B, Bommasandra, Hosur Main Road Anekal, Bangalore, Karnataka-560099
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
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 15/12/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-312/E-223901/2021 Appeal/23rd Meeting, 2021
APPLNRC202114183**

Atma Prakash Adarsh Mahavidyalaya, ArsadpurJangipur Ghazipur, 6/1 Jangipur, Ghazipur to Mau Sadar, Ghazipur, Uttar Pradesh- 233305 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Sh. Satya Prakash Singh (Trusty)
Respondent by	Regional Director, NRC
Date of Hearing	03/12/2021
Date of Pronouncement	15/12/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Atma Prakash Adarsh Mahavidyalaya, ArsadpurJangipur Ghazipur, 6/1 Jangipur, Ghazipur to Mau Sadar, Ghazipur, Uttar Pradesh-233305 dated 05/11/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-7170/338th Meeting/2021/215501 dated 08.09.2021 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Institution has not submitted the reply to the Show Cause notice till date time period has been over."

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Satya Prakash Singh (Trusty), Atma Prakash Adarsh Mahavidyalaya, ArsadpurJangipur Ghazipur, 6/1 Jangipur, Ghazipur to Mau Sadar, Ghazipur, Uttar Pradesh-233305 appeared online to present the case of the appellant institution on 03/12/2021. In the appeal it is submitted that "NCTE in suppression of its earlier Regulations of 2009, framed the new NCTE Regulations, 2014, the NRC issued the revised recognition order dated 10.03.2016 to the Appellant institution for conducting the B.Ed. course. Veer Bahadur Singh Purvanchal University (the affiliating university of the Appellant institution) issued a letter dated 23.06.2016 thereby according its approval to 9 faculties of the Appellant institution, appointed in respect of B.Ed. course. Thereafter, the said university vide its letter dated 12.05.2017, accorded its approval to the Principal / Head of Department of the Appellant institution. NRC in its 314th meeting held on 17.07.2020 considered the matters of various institutions and decided to issue show cause notice with direction to submit compliance to the revised recognition order. Accordingly, the show cause notice dated 09.11.2020 was issued to the Appellant institution. NRC in its 334th meeting held on 09.04.2021 again considered the matter of Appellant institution and decided to issue final show cause notice observing as institution has not submitted any proof / evidence to prove that it is a composite institution as per clause 2 (b) of the NCTE Regulations, 2014. Zamabandi / Copies of mutation is not submitted. The latest / current faculty list approved & signed each page by concerned affiliating body in original with the details of their teaching subject, date of birth, date of selection, date of joining, academic qualifications, teaching experience, NET / Ph.D. (NCTE's GOI dated 09.06.2017), salary structure and related documents duly attested by authorized management representative. The appellant institution was in compliance of the revised recognition order dated 10.03.2016 and had submitted the requisite documents vide its reply letter dated 02.12.2020 to the show cause notice dated 09.11.2020, Appellant institution vide its letter dated 25.06.2021 submitted its reply to the final show cause notice dated 20.04.2021 alongwith the documents as desired by the NRC. NRC in its 338th (virtual) meeting held on 27th, 28th & 29th July 2021 (part 3) decided to withdraw the recognition of Appellant institution for conducting the B.Ed. course without considering the documents submitted by the Appellant institution as all the required documents were already submitted by the Appellant institution vide its replies dated 02.12.2020 and 25.06.2021 had submitted all the requisite documents which were desired by the NRC vide its show cause notices dated



09.11.2020 and 20.04.2021. NRC failed to consider the documents and observed that no reply has been submitted. That so far as the eligibility of teachers as per NCTE Regulations, 2017 is concerned the NCTE vide its letter dated 13.08.2018 informed the Regional Director of the Regional Committee informed as under: "It may inform that the notification dated 09.06.2017 is likely to be amended to include SLET qualified persons also. The matter is pending in MHRD as of now. Accordingly, the condition arising out of notification dated 09.06.2017 should not be mixed with the affidavit exercised initiated some time in 2015. It would be advisable to await amendment to notification 09.06.2017 before initiating proceedings of withdrawal of recognition merely on the ground that the faculty have not NET qualified. It is clarified that any new recognition should follow the direction content in the notification dated 09.06.2017." It is relevant to state that NCTE Head Quarter on 07.05.2019 directed the regional committees for following the Standard Operating Procedures (SOPs) for processing of the applications wherein it has been categorically provided that 2nd show cause notice should be issued before proceeding for the withdrawal of the recognition of the recognized institution whereas in the instant case the WRC has failed to adhere with the SOPs. The impugned decision of withdrawal by the NRC is completely arbitrary as the NRC did not issue 2nd show cause notice to the Appellant institution, as required mandatorily in terms of the SOP issued by the NCTE itself. In view of the SOP issued by NCTE, the NRC ought to have issued the 2nd show cause notice in light of 1st show cause notice before taking the decision of withdrawal. NRC failed to observe that the Appellant Institution is an old institution and running since the year 2014 and the NRC itself had granted recognition to Appellant institution after satisfying with infrastructural & instructional facilities available in the Appellant Institution and adherence by the Appellant institution with norms of NCTE in respect of running the B.Ed. programme. The Appellant institution does not lack any infrastructural and instructional facility which is required as per norms for conducting the B.Ed. course, as prescribed by NCTE. It is submitted that NRC failed to observe that the Appellant institution has taken all the requisite steps to comply with the directions issued by the NRC / NCTE from time to time. The Appellant approached Hon'ble High Court of Delhi filing Writ Petition No.9700/2021 and Hon'ble High Court vide its Order dated 06.09.2021 allowed the writ petition observing as under:" The petitioner assails a decision taken by the Northern Regional Committee ['NRC'] of the National Council for Teacher Education ['NCTE'] at its meeting on 27-29.07.2021, by which the recognition granted to the petitioner-institution for the B.Ed. course has been served upon the petitioner. Prayer It is, therefore, most respectfully prayed that the NRC order dated 07.09.2021 may quashed and the recognition may be restored."



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order of withdrawal dated 08.09.2021 among other grounds of non compliance of regulatory provisions has been made because the appellant institution is stated to have not submitted reply to the Show Cause Notice dated 09.11.2020 and 20.04.2021.

2. Perusal of the regulatory file revealed that appellant institution had submitted reply dated 02.12.2020 to SCN dated 09.11.2020. Similarly reply dated 25.06.2021 was submitted in response to SCN dated 20.04.2021. Detailed replies with host of documents enclosed with these replies are found placed on the regulatory file making it factually incorrect on part of NRC to state that appellant has not submitted reply to Show Cause Notice till date, time period is over."

3. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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 order is clearly spelt out so that the institution is not compelled to approach the Court in this manner."

4. Appeal Committee noted that the Hon'ble High Court of Delhi vide order dated 15/12/2020, 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."

5. Appeal Committee decided to set aside the impugned order of withdrawal and remand back the case to NRC for revisiting the matter considering the replies to SCNs, submitted by appellant and available on regulatory file.



IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and online arguments advanced in the case, Appeal Committee of the Council concluded to remand back the case to NRC for revisiting the matter considering the replies to SCNs, submitted by appellant and available on regulatory file.

The above decision is being communicated on behalf of the Appeal Committee.



Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Atma Prakash Adarsh Mahavidyalaya, ArsadpurJangipur Ghazipur, 6/1 Jangipur, Ghazipur to Mau Sadar, Ghazipur, Uttar Pradesh-233305**
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.