



एनसीटीई अपीलिय प्राधिकरण में/IN THE NCTE APPELLATE AUTHORITY

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

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

दिनांक/ Date - 18/02/2025

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

File No. 89-10/E-328630/2024/Appeal/Emergent Meeting, 2025
APPLSRC202214486

Sagar Gangotri Education Institution, J.C. Road, Sagar, Shimoga, Karnataka-577401.	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	The Representative of the institution
Respondent by	Regional Director, SRC
Date of Hearing	10.02.2025
Date of Pronouncement	18.02.2025

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आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Sagar Gangotri Education Institution, J.C. Road, Sagar, Shimoga, Karnataka-577401** dated 29.11.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO3683/B.Ed./KA/2022/(134452-134456)** dated 05.09.2022 of the Southern Regional Committee, withdrawing recognition for B.Ed. Course on the grounds that "The institution failed to submit reply to the Notice dated 03.06.2022 and also keeping in view the report submitted by the Sub-committee of the SRC on their visit to the institution decided to withdraw the recognition granted to Sagar Gangotri Education Institution, J.C. Road, Sagar, Shimoga District, Karnataka-577401 for B.Ed. course is withdrawn under Section 17(1) of NCTE Act, 1993 from the end of next academic session i.e., 2023-2024. On withdrawal of recognition, the affiliation if any granted under Clause 8(10) of NCTE Regulations, 2014 by the concerned affiliating body from the next academic session stands withdrawn. Hence, the institution is not entitled to participate in counselling/ making admission from the next academic session i.e., 2023-2024. The committee further deliberated on the false allegations made by the Management of Sagar Gangotri Education Institution, J.C. Road, Sagar, Shimoga district, Karnataka-577401. In the light of the report submitted by the Sub-Committee of the SRC, the Committee advise the Regional Director to lodge a FIR against the Management for maligning the image of the Sr. Members of the SRC. Further, the RD is also advised to write to the Secretary, Higher Education Govt. of Karnataka, Chairman, Bar Council of India and Nursing Council of India, New Delhi about the present status of the institution as reported by the Sub-Committee of the SRC."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. N. Krishnamurthy, Chairman of Sagar Gangotri Education Institution, J.C. Road, Sagar, Shimoga, Karnataka-577401 appeared online to present the case of the appellant institution on 10.02.2025. In the appeal report, it is submitted that "It is most respectfully submitted that the decision of Withdrawal of Recognition is based on wrong and incorrect facts i.e., the institution has time and again complied with all the norms and

regulations of NCTE Act. It is pertinent to mention that the recognition of the institution was withdrawn earlier vide order dt. 18.12.20 despite having submitted all the documents as requisite under the final show cause notice. The institution had preferred an appeal against the Withdrawal Order and vide Appellate committee order dt. 10.09.21, the appellate committee was pleased remand back the matter after verifying all the documents as submitted by the institution. That after the remand order by the appellate committee, the institution in compliance of the order once again on 28.07.21, submitted all the requisite documents to the SRC. The SRC on being satisfied with all the documents as submitted by the institution decided to issue continuation order dt. 27.10.21 (based on decision taken in 403rd meeting), in favor of the institution and the institute continued to be a recognized institution thereon. That to the surprise of the institution, the case of the was once again considered in 407th meeting of SRC held on 15.02.22, on an alleged complaint and decided to constitute visiting team for verifying infrastructural and instructional facilities. Pursuant thereto, the institution received letter dt. 28.02.22 mentioning the schedule of inspection as between 10.03.22 to 20.03.22, comprising of 4 members including the Chairperson of SRC. That on enquiry, the institution was informed that one person called Mr. Raja Saheb has made a complaint against the institution. That immediately after getting knowledge of the alleged complaint, the institution gave a written complaint dt. 05.03.22 against the said person to the local police station. That on investigation by the police agencies it was found that the Mr. Raja Saheb has not made any complaint and his Identity Card has been misused by an unknown person and a written statement to that effect has also been given to that effect the said Mr. Raja Saheb (Copy of the complaint dt. 05.03.22 and statement of Mr. Raja Saheb is enclosed herewith for ready reference). That the institution being diligent to find out the true facts also submitted an application under RTI on 08.03.22, for getting the certified copy of the complaint. That on 10.03.22, the institution herein received another letter wherein the inspection team was Suo motu changed by the SRC and the name of the Chairperson was placed with the name of one of the Member of SRC, which is totally illegal and arbitrary and ought not to have been done without due approval or sanction of the SRC. The institution vide letters dt. 10.03.22 & 16.03.22, informed the inspection committee not to conduct inspection until the institution is in receipt of the certified copy of the complaint



alleged to have been received by the office of SRC and veracity thereof has not been checked. That without there being any reply to the above-mentioned letters, the inspection team or SRC, the team visited the premises on 19.03.22, without there being any occasion for the with the newly constituted team and the there was no representative on behalf of the Registrar, or the affiliating body as mentioned in the letter sent by the SRC in the list of persons for inspecting the premises. Since the institution had not received any copy of the alleged complaint to have been purported to have been submitted against the petitioner and the fact that Mr. Raja Saheb Mallapur admitted having not made any complaint, the petitioner institution was reluctant to let the inspection team to inspect the premises, as a foul play was expected. The petitioner institution with humble request asked the inspection team to act as per NCTE norms and regulations and conduct the inspection, if need be, after the petitioner institution is in receipt of the certified copy of the complaint. A letter mentioning the above details was also sent to the Regional Director, SRC, copy of the same is also enclosed for ready reference. Thereafter, the case of the institution was again considered in 411th meeting of SRC held on 22nd & 23rd May, 2022 wherein the committee decided to issue withdrawal order however one letter dt. 31.05.22 seeking clarification was sent on flimsy and arbitrary grounds, which had no iota of truth whatsoever. The management duly replied to the said letter vide letter dt. 13.06.22 (Copy enclosed). A similar letter dt. 13.06.22 was also sent to the principal, to which reply dt. 02.07.22 was also sent to the SRC. (Copies of the letters is also enclosed). It is pertinent to mention that the institution by way of both the replies narrated the actual events that had transpired on 19.03.22 during the visit of the inspection team and nothing was concealed in the said replies including the ulterior motive of the team that had visited the institution, however the same were not considered and the committee decided to withdraw the recognition and take action against the institution. It is worthwhile to mention that the institution herein made a complaint dt. 13.06.22 to central vigilance commission against the actions of SRC and it took cognizance of the same and issued letter dt. 06.07.22 to our institution. Copy of the complaint dt. 13.06.22 and letter dt. 06.07.22 are enclosed herewith for ready reference. That a representation dt. 22.07.22 was also submitted with SRC against the decision of withdrawal. Copy enclosed. The institution on 13.09.22 also submitted a PCR/0000047/22 before ACJ & AJMFC, Sagar, Shivamogga, Karnataka



against the fake complaint and a copy thereof was also sent Central Vigilance Officer, NCTE vide letter dt. 15.10.22. Copy of the PCR and letter dt. 15.10.22 is enclosed herewith for ready reference It is pertinent to mention that due to wrong and arbitrary decision of SRC, the institution, which is running successfully since 2007, has not been able to participate in the counseling for the academic session 2021-22, and has suffered huge monetary losses and loss of reputation in the State of Karnataka. The institution urges for reversing/setting aside the Withdrawal Order as passed on the grounds mentioned above and requests to for an early action in this regard. The institution with folded hand and utmost respect prays that the Withdrawal Order as passed by the SRC be set aside and quashed in the interest of justice as the SRC has failed to appreciate the correct facts and documents available on record. The institution has a good name in the vicinity and is imparting quality education since 2007. You are requested to kindly take a lenient view and restore the recognition granted to the institution with immediate effect.”

III. OUTCOME OF THE CASE

The Appeal Committee in its Emergent Meeting, 2025 held online on 10th February, 2025 perused the relevant records and the documents submitted by the appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for conducting B.Ed. Course of one year duration with an annual intake of 100 students vide order dated 11.05.2007. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 03.02.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 18.05.2015 for conducting B.Ed. programme of two years duration with an annual intake of 100 students (two basic units) from the academic session 2015-16. Furthermore, the SRC in its 392nd Meeting held on 15th & 16th December 2020 considered the matter and decided to withdraw the recognition. Accordingly, as per decision of SRC a withdrawal order dated 18.12.2020 was issued to the institution. The institution preferred an Appeal before the Appellate Authority of NCTE. The Appellate Authority vide its order dated 10.09.2021 remand back the order appealed against. The SRC in its 403rd



Meeting held on 18th & 19th October 2021 has considered the matter and decided to issue a continuation order. Accordingly, a Continuation order dated 27.10.2021 was issued to the institution. Thereafter, a complaint dt. 22.10.2021 filed by Sh. Rajesab Mallapur S/o Basusab, 65, Asundi, Ranebennur Tq, Haveri District, Karnataka regarding violation of Rules and Regulations of NCTE by submitting false and fake documents enclosed with a letter dt. 30.12.2021 was received. The recognition of the institution for B.Ed. programme was again withdrawn by the SRC vide its order dated 05.09.2022.

The Appeal Committee noted that the petitioner institution had preferred a **Writ Petition No. 27044 of 2023 (EDN-RES)** before the **Hon'ble High court of Karnataka at Bengaluru**. The Hon'ble Court vide order dated **06.02.2024** directed as under: -

"5. Hence, writ petition stands disposed of, permitting petitioner to furnish complete set of hard copy of Memorandum of Appeal-Annexure-Z to Appellate Authority of National Council for Teacher Education by tomorrow afternoon i.e. 07.02.2024 and upon receipt of same, directing Appellate Authority of National Council for Teacher Education, to take it up for consideration in its meeting scheduled on 08.02.2024 and pass appropriate orders thereon after providing opportunity to petitioner within an outer limit of four weeks. Keeping in mind that last date for admissions for current academic year would come to an end soon, it would be preferable if Appellate Authority-National Council for Teacher Education decides appeal within next two dates of sittings, if petitioner co-operates for same.

In view of shortage of time, counsel for respondent no.1 to intimate this order to Appellate Authority of forthwith."

The Appeal Committee noted that the instant matter was placed in its 5th Meeting, 2024 of Appellate Committee held on 27.03.2024. The Appellate Committee vide order dated 12.04.2024 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder:

"The Appeal Committee after perusing the documents submitted by the Appellant Institution vide letter dated 16.03.2024 and verbal arguments advanced during the hearing observed that the Appellant Institution has failed to comply with the directions of the Appeal Committee and still lacking on the following documents: -

- (i) The Building Completion Certificate submitted by the Appellant Institution is not approved by the Govt. Engineer.***
- (ii) The Appellant Institution failed to submit an affidavit stating about status of land & building available with the institution as per the provisions of the NCTE regulations,***



2014 and notarized/attested photocopy of the following land & building documents duly approved by the competent authority: -

- (a) A copy of land documents
 - (b) A copy of building plan earmarked for B.Ed. programme.
 - (c) A copy of site plan
 - (d) A copy of Non-Encumbrance Certificate
 - (e) A copy of building completion certificate.
 - (f) A copy of Land Use Certificate.
- (iii) The Appellant Institution failed to submit latest approval letter of the concerned University/Affiliating Body approving the faculty along with the latest faculty list for B.Ed. programme approved by the Registrar of the affiliating body as per the prescribed Format alongwith a copy of the proceedings regarding selection of all the faculty members by the selection committee duly constituted and approved by the competent authority of the affiliating University /body.
- (iv) The Appellant Institution has also not submitted copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of certificate of the Principal alongwith an Affidavit on Rs. 100/- Non-Judicial Stamp paper clearly mentioning the name, designation, account number and salary paid of each of the faculty appointed for B.Ed. programme and also stating therein that the faculty are being paid salary through cheque/RTGS/NEFT supported with the salary statements for three months duly verified by the bank officials.

In view of above, Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 05.09.2022 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 05.09.2022 issued by SRC is confirmed."

The petitioner institution filed a Writ Petition No. 18662 of 2024 (EDN-RES) before the Hon'ble High Court of Karnataka at Bengaluru and vide its order dated 10.01.2025 passed the following: -

- i. Writ petition is allowed.**
- ii. Certiorari is issued. Order dated 12.04.2024 at Annexure-A PASSED BY RESPONDENT No. 1 and the order dated 05.09.2022 at Annexure-B passed by respondent No. 2, are quashed.**



- iii. Matter is remitted to respondent No. 1 to consider the documents which have been filed by the petitioner along with the affidavit dated 01.12.2024.*
- iv. The petitioner is also provided a further opportunity to produce any and all further documents which may satisfy the requirements of the impugned order at Annexure-A within 15 days from today.*
- v. If the said documents are produced by 29.01.2025, respondent No. 1 shall consider the same affording an opportunity of hearing to the petitioner and pass necessary orders by 18.02.2025.*
- vi. Needless to say, the petitioner shall file all documents in English language, if available. If the said documents are available in regional language, the petitioner shall translate the same into English language and file the same within the above time period.*
- vii. The status of the students who have taken up examination pursuant to the interim order passed by this court will be subject to the orders to be passed by respondent No. 1 in furtherance of the remand made now.*

The Appeal Committee in its Emergent Meeting, 2025 held on 10.02.2025 considered the documents submitted alongwith the Appeal Report in compliance to the directions of the Hon'ble High Court order dt.10.01.2025 whereby the Appellate Authority was directed to consider the documents alongwith the Affidavit dt. 01.12.2024 after giving opportunity of hearing to the Appellant Institution and decide the same by dt. 18.02.2025.

The Appeal Committee while perusing the documents made available on record observed as under:-

- (i) The institution submitted a photocopy of building plan which is not legible. The institution was required to submit a clear copy of the building plan. Despite, the direction of the Hon'ble High Court, the said documents has not been provided in the proper manner.*
- (ii) The built-up area shown in the building plan approved by Panchayat Development Officer, Sagar is 2831. 23 sq. meter which is inadequate to run B.Ed. course in a composite environment where the institution is also running College of Law and School of Nursing/College of Nursing in the same building. As per the certificate of the Panchayat Development Officer dated 16.11.2024 submitted by the*



*institution, the institution constructed building of DR No. 154 is a three-storey building measuring with a length of 355 feet and a width of 105 feet) (Ground Floor, 1st Floor, 2nd Floor). It proves that the institution is conducting all the programmes under one roof of a three storied building which is not acceptable in light of the NCTE Regulations 2014 which is quoted **“the institutions shall possess 2500 sq. mts (two thousand five hundred square meters) of exclusive well demarcated land for the initial intake of fifty students out of which 1500 sq. mts (one thousand five hundred square meters) shall be the built up area and the remaining space for lawns, playfields, etc. For an additional intake of 50 students, it shall possess additional length of 500 sq. mt. (Five hundred square metre)..”***

- (iii) The documents submitted regarding building does not reflect specifically as to where the 3 courses are being running by the institution. More so it is pre-condition of the NCTE Regulation's, 2014 itself that the same will be exclusively well demarcated land for B.Ed. programme.*
- (iv) The institution submitted land documents (deed of sale) is not certified by the competent authority and the same is mere a photocopy.*
- (v) The Appellant Institution failed to submit latest approval letter of the concerned University/Affiliating Body approving the faculty along with the latest faculty list for B.Ed. programme approved by the Registrar of the affiliating body as per the prescribed Format alongwith a copy of the proceedings regarding selection of all the faculty members by the selection committee duly constituted and approved by the competent authority of the affiliating University /body. It has filed the faculty list for 2019-2020 which is the same as earlier made available on record.*
- (vi) The Appellant Institution has also not submitted copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience certificate of the Principal, alongwith an Affidavit on Rs. 100/- Non-Judicial Stamp paper clearly mentioning the name, designation, account number and salary paid of each of the faculty appointed for B.Ed. programme and also stating therein that the faculty are being paid salary through cheque/RTGS/NEFT supported with the salary statements for three months duly verified by the bank officials.*

Hence, the Appeal Committee is of the view that the appellant institution is still lacking after consideration of the documents in terms of the Hon'ble High Court dt. 10.01.2025. Hence, the Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal be rejected and therefore, the order dated 05.09.2022 issued by SRC is confirmed.



IV. DECISION: -

After perusal of the documents submitted along with affidavit, the Appeal Committee is of the view that the appellant institution is still lacking after consideration of the documents in terms of the Hon'ble High Court dt. 10.01.2025. Hence, the Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal be rejected and therefore, the order dated 05.09.2022 issued by SRC is confirmed.

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



उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Sagar Gangotri Education Institution, J.C. Road, Sagar, Shimoga, Karnataka-577401.**
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 Principal Secretary, Department of Higher Education (In charge Teacher Education), Government of Karnataka, Secretary Establishment, Room No. 645 A, 2nd Gate, 6th Floor, M.S.Building, Bengaluru – 1, Karnataka.**