



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 - 12/04/2024

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

File No. 89-212/E-264595/2022 Appeal/5th Meeting, 2024
APPLSRC202214430

Priyadarshini College of Education (B.Ed.), 405/44, Armour, Housing Board Colony, Nizamabad, Telangana-503224	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	No one presented
Respondent by	Regional Director, SRC
Date of Hearing	27.03.2024
Date of Pronouncement

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आदेश/ ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Priyadarshini College of Education (B.Ed.), 405/44, Armour, Housing Board Colony, Nizamabad, Telangana-503224** dated 25/07/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. SRO / NCTE / APSO7134 / B.Ed. / TS / 2019 / 106388 - 6393** dated 02/07/2019 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The College was permitted during 2004-05 with a condition to shift to new building constructed as per NCTE norms. The management has not complied with. (ii). Though repeatedly asked to submit all the relevant documents including Building Plan. The management is taking shelter under some pretext or the other. (iii). Even communication was sent to pay the fee for causing inspection. The management not responded."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from **Priyadarshini College of Education (B.Ed.), 405/44, Armour, Housing Board Colony, Nizamabad, Telangana-503224** appeared online to present the case of the appellant institution on 27.03.2024. In the appeal report, it is submitted that "(i) The NCTE-SRC passed ex-parte orders dt 13-01-2021 without notice/hearing withdrawn recognition to 2 year B.Ed course, is totally illegal and contrary to law. (ii) The copy of letter dt 12-01-2021 sent by Telangana University, Nizamabad not served by NCTE- SRC or by University till date. (iii) The Institute came to know withdrawing recognition dt 02-07-2019 by proc. dt 13-01-2021, both copies are not served till date. It is mandatory to communicate said orders to Institute by NCTE-SRC through Reg. Post, otherwise it can't withdraw recognition to B.Ed course, hence both orders are liable to be set aside by allowing Institution to admit students into 2 years B.Ed course from 2022-2023 academic year onwards. (iv) Appellant is not aware on what ground, facts/law, the recognition was withdrawn by said orders dt 02-07-2019, hence it is not binding on the appellant. The NCTE-SRC can't withdraw recognition by proc. dt 02-07-

2019, 13-01-2021 unilaterally by keeping the appellant in dark, hence both orders are unsustainable under law, being violative of Sec. 17 of NCTE Act. (v) The NCTE- SRC orders dt 02-07-2019 seems to have not communicated to University also, hence affiliation given to appellant also for 2021-22 by Lr No. 457/B.Ed/Ext. Affil./DAA/2021-22, dt 28-09-2021 and check approved staff by Lr No. 380/REG-DAA/TU/NZB/ B.Ed – Appr. of staff/2022, dt 14-06-2022, otherwise the University could not given affiliation, if the orders dt 02-07-2019 were communicated to Telangana University, Nizamabad – TS. It is clear cut evidence to support appellant's version. (vi) It is mandatory to serve notice and hear the appellant before passing orders dt 02-07-2019, 13-01-2021, otherwise NCTE -SRC can't withdraw recognition at all, hence permit the Institute to admit the students from 2022-2023 academic year onwards. (vii) The orders dt 02-07-2019, 13-01-2021, does not disclose that NCTE-SRC withdrawn recognition to 2 yrs B.Ed course after serving notice/hearing as per Sec. 17, hence it is total violation of law, principles of natural justice and liable to be set aside forthwith. (viii) The NCTE-SRC not given any notice to appellant to deficiencies in running institute till today. (ix) The Appeal period is liable to be excluded from 15-03-2020 to 28-02-2022 as held by Apex court in Suo Moto WP in MA No 21/2022 in Suo Moto WP (C) 3/2020, dt 10-01-2022, due to covid-19. (x) In similarly situated case, Hon'ble High court, Hyderabad set aside orders of NCTE-SRC, dt 02-07-2019 in WP 22284/2019, dt 08-03-2021. (xi) The delay of 84 days caused in filing this Appeal for not serving said 2 order copies by NCTE –SRC and correspondent was also not well due to Jaundice and filing this Appeal after his recovery, hence delay of 84 days may be condoned, in the ends of justice. (xii) The appellate prays to Stay the orders No. F.No. SRC/ NCTE/122948-2945, dt 13-01-2021, No. F. SRO/ NCTE/APS07314/B.Ed/TS/2019/106388-6393, dt 02-07-2019 pending the Appeal. The other grounds will be urged at the time of hearing. Therefore it is prayed that this Hon'ble authority may be pleased to set aside impugned orders dt 13-01-2021, dt 02-07-2019, No. F.No. SRC/ NCTE/ 122948-2945, No. F. SRO / NCTE / APS07314 / B.Ed / TS / 2019 / 106388 - 6393, passed without notice/ hearing appellant and pass such other orders as deemed fit and proper in the circumstances of case, otherwise it will result in grave miscarriage of justice.”



III. OUTCOME OF THE CASE

The Appeal Committee in its 5th Meeting, 2024 held online on 27th March 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 01.10.2007. Thereafter, on 31.12.2014 letters were issued to all existing institutions regarding notification of new Regulations 2014 seeking consent on their willingness for fulfilling the revised norms and standards before 31.10.2015. The institution has submitted original affidavit on 23.01.2018 for offering B.Ed. course with intake of 100 students. A revised provisional recognition order was issued to the institution on dt. 06.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 for two basic units of 50 students each from the academic session 2015-16. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 02.07.2019.

The instant matter was placed in 1st Meeting, 2023 of Appellate Committee held on 30.01.2023. The Appellate Committee vide order dated 09.02.2023 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

“Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide order dated 01.10.2007 Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 23.01.2018 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 06.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 (Two unit) from the academic session 2015-16. The recognition of the institution was withdrawn vide order dated. 02.07.2019.

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the matter was taken up by the Appeal committee for hearing in its 9th meeting held on 19th November, 2022 and further taken up in its 11th meeting held on 29th



December 2022, but nobody has appeared to represent the institution. Further, the matter was again taken up in 1st Meeting held on 30th January 2023, however, on the said date also nobody has appeared to represent the institution before the Appellate Committee. The Committee decided not to grant another date for hearing to the institution and decided to consider the documents and passed appropriate order on the basis of material available on record.

The Appeal Committee in its 1st Meeting, 2023 held on 30.01.2023 considered the documents submitted alongwith the Memorandum of Appeal as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) A copy of letter dated 14.06.2022 and 24.2.2020 issued by Telangana University regarding faculty. This institution has not submitted list of faculty in the prescribed format of NCTE Further, the institution has failed to submit copies of certificates of academic & professional educational qualification viz. B.Ed., M.Ed., NET, Ph.D. etc. and experience of teaching staff.

The Appeal Committee noted that the institution has not submitted any documents to show as to whether the institution has been shifted to its own building or not.

The Appeal Committee further noted that the institution has failed to explain this deficiency as pointed out by the SRC in its withdrawal order dated 02.07.2019 even during the hearing of online appeal.

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.07.2019 issued by SRC is confirmed.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.07.2019 issued by SRC is confirmed."

The petitioner institution has filed a W.P. No. 27375 of 2023 before the Hon'ble High Court for The State of Telangana against the Appeal Order dated 09.02.2023 i.e., rejecting the appeal of the appellant institution. The Hon'ble Court vide order dated 01.11.2023 directed as under: -



“...9. Taking into consideration the aforesaid facts and circumstances of the case and the specific averments made in para 8 of the counter affidavit filed by the respondent Nos.3 and 4 and the specific averments made by the petitioner in the reply affidavit in particular para No.7 to the counter affidavit filed by the respondent Nos.3 and 4 and duly considering the relevant provisions Section 17 and 18 of the National Council for Teacher Education Act, 1993, this Court opines that the respondents failed in providing reasonable opportunity to the petitioner prior to passing the ex-parte orders, withdrawing recognition to two years B.Ed. course and the same is unsustainable in the eye of law, and therefore, the impugned orders passed by respondent No.3 in File No.89-212/E-264595/2022 Appeal/1st meeting, 2023 APPLSRC202214430, dated 09.02.2023, and order No.F-SRO/NCTE/APSO7134/B.Ed./TS/2019, dated 02.07.2019 of respondent No.4, are set aside and the matter is remanded back to the National Council for Teachers Education for adjudicating the same on merits by duly affording reasonable opportunity to the petitioner. Further, NCTE is at liberty to fix the date of hearing of the appeal within 15 days after receipt of copy of this order by duly intimating the petitioner by Registered Post Acknowledgment Due (RPAD) as well as through e-mail. In case, if the notice is sent to the petitioner through RPAD/e-mail, it would be treated as sufficient service and it is not open for the petitioner to take any excuses for not verifying the notice by RPAD/e-mail.

10. Subject to the above observations and directions, the writ petition is allowed. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.”

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 3rd Meeting, 2024 held on 08.02.2024. The appellant institution did not appear online to present its case before Appellate Authority. Moreover, the Appeal Committee observed that the appellant institution has not submitted the requisite documents with respect to the deficiencies pointed out in the Withdrawal Order. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant 2nd Opp. to the institution and the institution was required to submit the documents mentioned therein.

The instant matter again placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 whereby the Appeal Committee observed that the appellant institution has not submitted the requisite documents. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant 3rd/final

opportunity to the appellant institution and the institution was required to submit the documents mentioned therein.

The instant matter again placed before the Appeal Committee in its 5th Meeting, 2024 held on 27.03.2024, the Appeal Committee noted that the Appellant Institution did not appear online to present its case. However, the institution vide letter dated 26.03.2024 had submitted the documents before Appellate Committee and the same was scrutinized by the Appeal Committee and found out the following deficiencies: -

- (i) The institution has submitted a lease deed dated 19.10.2022 and a sale deed dated 01.10.2019.
- (ii) The institution in its explanation has submitted that the college is running on leased building and has submitted a lease deed dated 19th October 2022 extendable upto 30.06.2024 only. The institution failed to shift its premises to its own land as per provisions of the NCTE Regulations, 2014.
- (iii) The institution also failed to submit an affidavit stating about status of land & building available with the institution as per the provisions of the NCTE Regulations, 2014.
- (iv) The institution also failed to submit the 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 substantiated with 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.
- (v) The institution also failed to submit 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 02.07.2019 issued by SRC is confirmed.



IV. DECISION: -

After perusal of the Appeal Report, documents on record, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 02.07.2019 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, Priyadarshini College of Education (B.Ed.), 405/44, Armour, Housing Board Colony, Nizamabad, Telangana-503224.**
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 Telangana 3rd Floor, Telangana Secretariat, Hyderabad, Telangana – 500022.



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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 - 12/04/2024

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

File No. 89-7/E-327190/2024 Appeal/5th Meeting, 2024
APPLERC202314571

Furkating College, Plot No. 474, Tirual Gaon, GF Road, Golaghat, Assam-785610 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	No one presented
Respondent by	Regional Director, ERC
Date of Hearing	27.03.2024
Date of Pronouncement

Signature

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Furkating College, Plot No. 474, Tirual Gaon, GF Road, Golaghat, Assam-785610** dated 02.02.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NCTE/ERC/2324202205041019/ASSAM/2022/REJC/20** dated 27.01.2023 of the Eastern Regional Committee, refusing recognition for conducting ITEP Course on the grounds that “ As per decision of the ERC taken in its 318th Meeting held on 9th January 2023, Final Show Cause Notice was issued to the institution to submit the reply. The Committee further noted that the institution has uploaded its reply online on 13.01.2023 which is still deficient on the following grounds: - (i). There is no explanation given by the institution on the point that the de-reservation of the establishment of educational institutions. (ii). The institution has still not clarified the break-up of built-up area in the Building Plan in proper manner. Hence, the Committee decided that the recognition sought by the institution for ITEP be refused under section 14/15 of the NCTE Act, 1993.”

II. SUBMISSIONS MADE BY APPELLANT: -

No one from **Furkating College, Plot No. 474, Tirual Gaon, GF Road, Golaghat, Assam-785610** appeared online to present the case of the appellant institution on 27.03.2024. In the appeal report, it is submitted that “De-reservation accorded by Govt. of Assam vide letter no. E276737/2023/Dispur dated-04.03.2023. Copy attached. Copy of land possession certificate also has been attached. Break up of Bult up area attached. Please see geo tag photo of building by clicking following link. [https://www.furkatingcollege.edu.in/wp-content/uploads/2023/03/FURKATING - COLLEGE- BULIDING.pdf](https://www.furkatingcollege.edu.in/wp-content/uploads/2023/03/FURKATING-COLLEGE-BULIDING.pdf).”

III. OUTCOME OF THE CASE

The Appeal Committee in its 5th Meeting, 2024 held online on 23rd February 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record.

The Appeal Committee noted that the appellant institution had submitted an application to the Eastern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 30.05.2022. The recognition of the institution for ITEP programme was refused by the ERC vide order dated 27.01.2023.

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 3rd Meeting, 2024 held on 08.02.2024. The Appellant Institution did not appear online to present its case before Appellate Authority on 08.02.2024 and as such the Appeal Committee as per extant appeal rules decided to grant another (Second) opportunity to appellant institution to present its case before Appellate Authority.

The instant matter placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 whereby the Appeal Committee observed that the appellant institution has not submitted the requisite documents. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant 3rd/final opportunity to the institution and the appellate institution was required to submit the clarification/documents mentioned therein.

The instant matter was again placed before the Appeal Committee in its 5th Meeting, 2024 held on 27.03.2024. The Appellant Institution failed to appear before the Appeal Committee on 27.03.2024. The Appeal Committee noted that the institution had applied for ITEP Programme for the academic year 2023-24 in terms of Public Notice dt. 01.05.2022 and the application of the institution was refused vide order dated 27.01.2023. The Appeal Committee noted that the Appellant Institution vide letter dated 14.03.2024 has submitted the following documents: -

- (i) A copy of certificate of de-reservation of land and possession of the institution allotted by the State Government/Competent Authority.
- (ii) A copy of building plan having proper breakup of built-up area alongwith Building Completion Certificate to the Appellate Committee with respect to the deficiencies pointed out in the Refusal Order.

In view of the above, the Appeal Committee decided to remand back the case to ERC, NCTE with a direction to consider the documents submitted in appeal which are

required to be sent to them by the appellant institution and take further necessary action keeping in view the NCTE Rules and Regulations, issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

IV. DECISION: -

After perusal of the Appeal Report and documents on record Appeal Committee of the Council concluded to remand back the case to ERC, NCTE with a direction to consider the documents submitted in appeal which are required to be sent to them by the appellant institution and take further necessary action keeping in view the NCTE Act, Rules and Regulations, issued from time to time. The Appellant is directed to forward to the ERC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

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, Furkating College, Plot No. 474, Tirual Gaon, GF Road, Golaghat, Assam-785610.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Higher Education (In charge Teacher Education), Government of Assam, Assam Secretariat, Block 'C', 3rd floor, Assam.



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 - 12/04/2024

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

File No. 89-229/E-271405/2022 Appeal/5th Meeting, 2024
APPLSRC202214454

Nirmala Training College, 305/3, Kanayannoor, OC Kuriakose Kor-Episcopa Road, Thalacode, Kanayannoor, Ernakulam, Kerala-682314	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	Sh. George Kuriakose, Manager
Respondent by	Regional Director, SRC
Date of Hearing	27.03.2024
Date of Pronouncement

George Kuriakose

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Nirmala Training College, 305/3, Kanayannoor, OC Kuriakose Kor-Episcopa Road, Thalacode, Kanayannoor, Ernakulam, Kerala-682314 dated 15.09.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. SRO / NCTE / APSO0475 / B.Ed. / {KL} / 2022 / 132654 dated 20.07.2022 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 on 08.04.2021. The institution failed to submit reply along with the requisite documents/information to the Final Show Cause Notice (FSCN). The Committee also noted that the institution has not even filed Performance Appraisal Report (PAR)."

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. George Kuriakose, Manager of Nirmala Training College, 305/3, Kanayannoor, OC Kuriakose Kor-Episcopa Road, Thalacode, Kanayannoor, Ernakulam, Kerala-682314 appeared online to present the case of the appellant institution on 27.03.2024. In the appeal report, it is submitted that "Delay in getting certificates from authorities."

III. OUTCOME OF THE CASE

The Appeal Committee in its 5th Meeting, 2024 held online on 27th March 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for Secondary (B.Ed.) Course of one year duration with an annual intake of 100 students vide order dated 23.02.2005. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has submitted affidavit dt. 09.01.2015 for its willingness for adherence of provisions of new Regulations. A revised provisional recognition order was issued to the institution on dt. 15.05.2015 for conducting B.Ed. course of two years duration with an annual intake of 100 students for two basic units from the academic

session 2015-16. Further, a Corrigendum was issued to the institution vide order dated 09.07.2015 for conducting B.Ed. course of two years duration with an annual intake of 50 students (one basic unit) from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 20.07.2022.

The Appeal Committee noted that the SRC had withdrawn the recognition of the appellant institution vide order dated 20.07.2022 against which the appellant institution has preferred an appeal dated 15.09.2022 and same was rejected by the Appeal Committee vide order dated 11.01.2023. The relevant portion of the said order is being reproduced hereunder: -

“The Committee noted that the institution has not submitted/filled the PAR, which is mandatory in terms of NCTE, Regulations, 2014. The Hon’ble Supreme Court vide order dated 25.04.2022 in Misc App No 701/2022 in SLP(C) No. 5479/2022 has decided as under: -

“.... While dismissing the petition challenging the impugned interim order dated 25.02.2022, we had taken note of the fact that the High Court had provided for compliance by 31.03.2022; and only because the petitions before us came up for consideration on 01.04.2022, we extended time for compliance by the next day, i.e., 02.04.2022. That additional and excessive indulgence cannot be allowed to be utilized for further enlargement of time on any specious ground like slowing down of server. In fact, compliance ought to have been made much earlier.

The applications for impleadment and for granting further time stand rejected....”

In view of the above direction given by Hon’ble Supreme Court, the institution shall not be exempted for non-filing the Performance Appraisal Report (PAR). It leading to violation of mandatory direction of the NCTE as well as the direction of the Hon’ble Supreme Court. Hence the Appeal Committee decided to reject the instant Appeal of the applicant institution.

IV. DECISION: -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 20.07.2022 issued by SRC is confirmed.”



The petitioner institution had preferred a W.P.(C) 2476/2023 and CM APPL. 9490/2023 before the Hon'ble High Court of Delhi at New Delhi against the Withdrawal Order dated 20.07.2022 passed by the SRC which has been affirmed in appeal vide order dated 11.01.2023 passed by the Appellate Authority of NCTE i.e., rejecting the appeal of the appellant institution. The Hon'ble Court vide order dated 25.05.2023 directed as under: -

"...10. It is thus seen that the notice requiring institutions to file PAR has been held to be unsustainable and the same is set aside by this court. Therefore, the non-submission of PAR cannot be the reason to non-suit the petitioner-institution. It is for this reason the order passed by the Appellate Authority deserves to be set aside. Accordingly, the same is set aside.

11. As a consequence, the appeal of the petitioner-institution before the Appellate Authority stands restored and the same is required to be considered on merits in accordance with law.

12. Needless to state that this Court has not dealt with other submissions made by learned counsel appearing on behalf of the parties on merit.

13. It would be open for the Appellate Authority to consider the same and pass appropriate orders in accordance with law.

14. The Appellate Authority is directed to decide the appeal restored in view of the aforesaid directions within a period of 30 days from the date of receipt of copy of this order.

15. With the aforesaid observations, the instant petitioner stands disposed of."

The Appeal Committee further noted that the matter was again placed before the Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 and same was again rejected by the Appeal Committee vide order dated 13.07.2023. The relevant portion of the said order is being reproduced hereunder: -

"The Appeal Committee in its 7th Meeting, 2023 held on 03.07.2023 considered the documents submitted alongwith the Appeal Report as compliance of grounds of withdrawal order and observed that the appeal of the institution is still deficient on the following points: -

- (i) The institution has submitted faculty list for 7 members, which is not sufficient as per provisions of the NCTE Regulations, 2014. As per provision of 5.1 of Appendix 4 of the NCTE Regulations, 2014, the number of faculty shall be 8 for one basic unit.**
- (ii) Moreover, in accordance with the Registrar of affiliating University, Mahatma Gandhi University, Kottayam, 2 faculty namely, Mr. Bilha Matheu and Dr. George K. Joseph are not qualified as per NCTE Regulation, 2014**

Hence, the Appeal Committee is of the view that the appellant institution is still lacking on the above grounds. The Appeal Committee concluded that the SRC was justified in withdrawing the recognition and decided that the instant



appeal deserves to be rejected and therefore, the impugned withdrawal order dated 20.07.2022 issued by SRC is confirmed.

IV. **DECISION:** -

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 20.07.2022 issued by SRC is confirmed.”

The petitioner institution had preferred a **W.P.(C) 9467/2023** and **CM 36153/2023** and **52787/2023** before the Hon'ble High Court of Delhi at New Delhi against the Withdrawal Order dated 20.07.2022 as well as Appeal Order dated 13.07.2023 passed by the Appellate Authority i.e., rejecting the appeal of the appellant institution. The Hon'ble Court vide order dated **14.02.2024** directed as under: -

“...55. In view of the aforesaid, the impugned order dated 13 July 2023 passed by the Appellate Authority is quashed and set aside. The Appellate Authority is directed to pass a fresh order at its next sitting, on which occasion the petitioner shall also be granted an opportunity of hearing. The petitioner would place on record before the NCTE, its duly approved faculty list, affiliated by the affiliating body/University, within five days from today, which shall be duly placed before the Appellate Authority for consideration.

56. The Appellate Authority is directed to take a de novo decision on the petitioner's appeal within a week of hearing and communicate the decision to the petitioner. Needless to say, the rights of the petitioner, should it be aggrieved by the de novo decision, shall remain reserved.

57. This writ petition is allowed to the above extent with no orders as to costs.”

The instant matter was placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024 and during the online hearing the Appeal Committee decided to grant another (Second) opportunity to the appellant institution and the institution was required to submit the documents mentioned therein.

The instant matter placed before the Appeal Committee in its 5th Meeting, 2024 held on 27.03.2024 and during the online hearing the Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the following documents with a claim to have rectified the shortcomings pointed out in the impugned order dated 20.07.2022: -

- (i) A copy of faculty list (1+7) members alongwith experience certificate of the faculty.
- (ii) A copy of Salary Disbursement of the faculty.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the impugned order dated 20.07.2022 and keeping in view, the Hon'ble High Court of Delhi Judgment dated **23.02.2017** passed in **W.P(C). no. 3231/2016** titled "**Rambha College of Education V/s NCTE**" wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the impugned order dated 20.07.2022, required to be verified. **The SRC is required to verify the faculty list submitted in appeal as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned order dated 20.07.2022 is set-aside as the Appellate Committee has decided to remand back the case to SRC for revisiting the matter.

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

IV. DECISION: -

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

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


उप सचिव (अपील) / Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Nirmala Training College, 305/3, Kanayannoor, OC Kuriakose Kor-Episcopa Road, Thalacode, Kanayannoor, Ernakulam, Kerala-682314.**
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 Kerala, 1st Floor, Annex II, Government Secretariat Thiruvananthapuram – 1, Kerala.**



एनसीटीई अपीलीय 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 - 12/04/2024

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

File No. 89-18/E-330845/2024/Appeal/5th Meeting, 2024
APPLERC202414760

Nand Kunwar Hari Roy B.Ed. College, Plot No.-63, Bhergawa, Dhanarua, Patna, Bihar-804451	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
APPELLANT		RESPONDENT

Representative of Appellant	No one presented
Respondent by	Regional Director, ERC
Date of Hearing	27.03.2024
Date of Pronouncement

Signature

आदेश/ ORDER

I. GROUND OF ORDER

The appeal of Nand Kunwar Hari Roy B.Ed. College, Plot No.-63, Bhergawa, Dhanarua, Patna, Bihar-804451 dated 02.03.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. F. No. ER-336.16 / NCTE / ERCAPP3420 / B.Ed. / BR / 2024 / (69333-69340) dated 08.02.2024 of the Eastern Regional Committee, changing its affiliating body for B.Ed. course on the grounds that "The Committee considered the representation dated 30.10.2023 submitted by the institution requesting ERC to accord permission to change the affiliating university for the erstwhile university, namely the "Magadh University Bodh Gaya, Bihar" to "SNDT Women's, University, Mumbai, Maharashtra from the Academic session 2017-2018."

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Nand Kunwar Hari Roy B.Ed. College, Plot No.-63, Bhergawa, Dhanarua, Patna, Bihar-804451 appeared online to present the case of the appellant institution on 27.03.2024. In the appeal report, it is submitted that "For the shake of students future the Committee should consider the request to change the University as requested earlier. In this regard the institute has already submitted all the required documents and students have already passed and obtained certificates from SNDT Womens University, Mumbai."

III. OUTCOME OF THE CASE

The Appeal Committee in its 5th Meeting, 2024 held online on 27th March 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report.

The Appeal Committee noted that the appellant institution was granted recognition for conducting B.Ed. programme of two-years duration with an annual intake of 100 vide order dated 02.05.2017 from the academic session 2017-2018. The appellant institution has submitted representation dated 30.10.2023 along with relevant documents for changing its Affiliating University from Magadh University, Bodh Gaya, Bihar to SNDT Women's University, Mumbai, Maharashtra. The permission was granted

to the appellant institution to change its Affiliating Body from Magadh University, Bodh Gaya, Bihar to SNTD Women's University, Mumbai, Maharashtra with immediate effect vide order dated 08.02.2024.

The instant matter was placed in 5th Meeting, 2024 of the Appeal Committee held on 27.03.2024. The Appellant Institution did not appear online to present its case before Appellate Authority on 27.03.2024. The Appeal Committee observed that the appellant institution vide email dated 21.03.2024 had informed the Appeal Committee that the Appellant Institution, Appeal shall be decided on the basis of the documents submitted by the Appellant Institution without their personal hearing.

The Appeal Committee after perusing the documents observed that the institution was granted recognition by the ERC vide order dated 02.05.2017. Thereafter, the Magadh University, Bodhgaya, Bihar vide letter dated 18.10.2023 had informed the office of ERC that the institution namely "Nand Kunwar Hari Roy B.Ed. College, Plot No.-63, Bhergawa, Dhanarua, Patna, Bihar-804451" was never affiliated from the aforementioned University.

The Appeal Committee noted that a representation dated 13.10.2023 was submitted by the Appellant Institution to the office of ERC regarding permission to change the affiliating university from Magadh University, Bodhgaya, Bihar to SNTD Women University, Mumbai, Maharashtra from academic session 2017-2018. The Appeal Committee observed that the ERC vide order dated 08.02.2024 had permitted the institution to change its Affiliating Body from Magadh University, Bodhgaya, Bihar to SNTD Women University, Mumbai, Maharashtra with immediate effect.

In view of above, Appeal Committee concluded that the ERC was justified in passing the order dated 08.02.2024 as the institution themselves had submitted a representation in October 2023. Hence, the Appeal Committee decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 08.02.2024 issued by ERC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record, Appeal Committee of the Council concluded that the ERC was justified in permitting to change its affiliating body from Magadh University, Bodhgaya, Bihar to SNTD Women University, Mumbai, Maharashtra with immediate effect. Hence, the Appeal Committee decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 08.02.2024 issued by ERC 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, Nand Kunwar Hari Roy B.Ed. College, Plot No.-63, Bhergawa, Dhanarua, Patna, Bihar-804451.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Higher Education (In charge Teacher Education), Government of Bihar, Ground Floor, New Secretariat, Vikash Bhawan Patna Bihar-800015.



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 - 12/04/2024

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/5th Meeting, 2024
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	27.03.2024
Date of Pronouncement

Arjits

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: -

The Representative of **Sagar Gangotri Education Institution, J.C. Road, Sagar, Shimoga, Karnataka-577401** appeared online to present the case of the appellant institution on 27.03.2024. 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 WRC, 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 5th Meeting, 2024 held online on 27th March 2024 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 filled 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 fakes 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 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 instant matter placed before the Appeal Committee in its 3rd Meeting, 2024 held on 08.02.2024 whereby the Appeal Committee observed that the appellant institution has not submitted the requisite documents. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (Second) opportunity to the appellant institution and the institution was required to submit the documents mentioned therein. In addition, the Appeal Committee also decided to ask the SRC to submit a clarification report regarding status of sub-

committee report and reply submitted by the institution and necessary action thereof by the SRC.

The instant matter again placed before the Appeal Committee in its 5th Meeting, 2024 held on 27.03.2024. The Appeal Committee observed that the SRC vide letter dated 28.02.2024 has submitted a clarification report to the Appeal Committee.

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.

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**



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 - 12/04/2024

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

File No. 89-148/E-315495/2023/Appeal/5th Meeting, 2024
APPLNRC202314663

Bhartiya College of Education, 68, Nagrota, Industrial Estate Dhar Road, Udhampur, Jammu & Kashmir-182101 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	Mr. Ashok Khajuria, Managing Director
Respondent by	Regional Director, NRC
Date of Hearing	27.03.2024
Date of Pronouncement

आदेश/ ORDER

I. GROUNDS OF ORDER

The appeal of **Bhartiya College of Education, 68, Nagrota, Industrial Estate Dhar Road, Udhampur, Jammu & Kashmir-182101** dated 31.08.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NCTE-Regl015/642/2022-Regulation Section(JK) - NRC/Computer No : 73822/222313** dated 28.06.2023 of the Northern Regional Committee, returning application of granting recognition for conducting B.A. B.Ed./B.Sc.B.Ed. Course on the grounds that "The NRC decided that as Appendix 13 of NCTE Regulations, 2014 (B.A.B.Ed. / B.Sc.B.Ed.) has been repealed vide Notification dated 26.10.2021, the application submitted by the institution be returned, alongwith the processing fee, if submitted."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Ashok Khajuria, Managing Director of Bhartiya College of Education, 68, Nagrota, Industrial Estate Dhar Road, Udhampur, Jammu & Kashmir-182101 appeared online to present the case of the appellant institution on 27.03.2024. In the appeal report, it is submitted that "I would like to bring it to your kind notice that the Bhartiya College of Education was granted affiliating by University of Jammu for starting 1st Batch of Four-Year B.A. B.Ed. Integrated course with an intake of 50 seats from the Academic session 2020-21. The College applied for recognition of the said course with desired fee to NCTE on 30.08.2020 vide Application No: FR-2122-NRC-55103729. We were shocked to receive a letter from NRC, NCTE bearing No NCTE-Reg/015/642/2022-Regulatoin Section (JK)-NRC/222313 dated 28th June, 2023 (Computer No. 73822) conveying that the Application for recognition for the said course cannot be considered owing to omission of Appendix 13 of NCTE Regulation 2014 related to the norms & standards of 4 year B.A. B.Ed. Integrated Course vide Amended Regulations of 2021 dated 26.10.2021. I may further add that application of the College was lying with NRC, NCTE prior to the omission of Appendix-13. Moreover, the online inspection as per the decision of Northern Regional Committee for B.Ed./ M.Ed./B.A.

B.Ed. course under Section 15 of NCTE Act was held on 18th July, 2023 where in the VT also inspected the infrastructure required for start of B.A.B.Ed. Integrated Course along with B.Ed. & M.Ed. courses. We may further add that the College has the requisite infrastructure as per NCTE norms for B.A. B.Ed. Integrated Course also. In light of the above stated facts that the application of the College remained with NRC prior to omission of Appendix-13 & inspection held by the VT for the said Course, the College deserves to be considered along with other existing Colleges of the Country imparting B.A.B.Ed. Integrated Course already allowed by GB of NCTE.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 5th Meeting, 2024 held online on 27th March 2024 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 Appellant institution had applied for recognition for the B.A. B.Ed./B.Sc. B.Ed. Integrated Course with an annual intake of 50 students vide application dated 30.08.2020. The NRC vide letter dated 28.06.2023 has returned the application of the Appellant Institution.

The instant matter was placed before the Appeal Committee in its 11th Meeting, 2023 held on 27.09.2023, the Appeal Committee noted that the Appellant Institution did not appear online to present its case before Appellate Committee. However, the appellant institution vide letter dated 27.09.2023 had requested the Appeal Committee to grant another opportunity to present their case. The Appeal Committee granted another i.e., 2nd opportunity to the Appellant Institution.

The instant matter was taken up by the Appellate Committee in its 13th Meeting, 2023 held on 19.10.2023 wherein, the Appeal Committee decided to grant 3rd Opportunity to the Appellant Institution and the Appellant Institution was required to submit the documents mentioned therein.



The instant matter was again placed before the Appeal Committee in its 15th Meeting, 2023 held on 05.12.2023., The Appeal Committee noted that the Appellant Institution applied for the recognition to NRC, NCTE as an existing institution. The application of the appellant institution was pending since 2020. It is noteworthy that on 22nd October 2021 vide NCTE amended regulation 2021, the appendix-13 of the Regulation 2014 was omitted i.e., 4-year B.A. B.Ed./B.Sc. B.Ed.

The Appeal Committee further noted that the appellant institution has claimed that application of the college remained with NRC prior to omission of Appenix-13 & inspection held by the VT for the said course, thus the college deserves to be considered along with other existing colleges of the country imparting B.A. B.Ed. Integrated course already allowed by GB of NCTE.

The Appeal Committee further in its 15th Meeting 2023 noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted A copy of NOC dated 24.04.2018 for starting 4-year B.A. B.Ed. & 3-year B.Ed. M.Ed. integrated course at Bhartiya College of education, Udhampur and A copy of affiliation order dated 07.02.2021 and 10.02.2023 for running 4-year B.A. B.Ed. Integrated for the academic session 2020-21 and 2022-23 respectively.

The Appellant Institution brought to the notice of Appeal Committee that “the Bhartiya College of Education was granted affiliation by University of Jammu for starting first batch of 4-year B.A. B.Ed. Integrated course with an intake of 50 students from the academic session 2020-21.”

The Appeal Committee observed that the NCTE Vide Public Notice dated 28.07.2020 had invited online application from existing teacher education (TEIs) located in the UTs of Jammu & Kashmir for academic year 2021-22. Further the Appeal Committee observed that in the said Public Notice of the NCTE had decided to invite online applications between 30th July 2020 to 31st August, 2020 and the appellant

institution had requested for grant of recognition through online on 30th August, 2020 i.e., within the stipulated time-period.

The Appeal Committee decided to refer the matter to the NCTE, Hqrs. (Regulation Division) for obtaining information regarding the status on the Application filed in regard to the Public Notice dated 28.07.2020 and also to obtain a clarification as to whether the Appeal Committee may accept or reject the Appeal of the said institution and the matter kept in abeyance till the information is received from the NCTE, Hqrs. (Regulation Division).

The instant matter again placed before the Appeal Committee in its 5th Meeting, 2024 held on 27.03.2024. The Appeal Committee observed that the decision of General Body in its 54th Meeting held on 27th April 2022. The operative part of the same is reiterated herein below: -

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

In view of above, Appeal Committee concluded that the NRC was justified in returning the application for granting recognition for B.A.B.Ed./B.Sc.B.Ed. course and decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 28.06.2023 issued by NRC 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 returning the application for granting recognition for B.A.B.Ed./B.Sc.B.Ed. course and decided that the instant appeal deserves to be rejected and therefore, the impugned order dated 28.06.2023 issued by NRC 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, Bhartiya College of Education, 68, Nagrota, Industrial Estate Dhar Road, Udhampur, Jammu & Kashmir-182101.**
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, Department of Higher Education (In charge Teacher Education), Government of J&K, Mini Block Civil Secretariat, Jammu, J&K.



एनसीटीई अपीलीय 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 - 12/04/2024

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

File No. 89-186/E-319006/2023/Appeal/5th Meeting, 2024
APPLNRC202314702

Doon Valley Institute of Education, 12871/42829-16, Outside Jundla Gate, Karnal, Haryana-132001	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
APPELLANT		RESPONDENT

Representative of Appellant	No one presented
Respondent by	Regional Director, NRC
Date of Hearing	27.03.2024
Date of Pronouncement

Arjuns K

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of Doon Valley Institute of Education, 12871/42829-16, Outside Jundla Gate, Karnal, Haryana-132001 dated 03.10.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.No.NRC/NCTE/HR-409 & HR-183/ B.Ed./ 410th Meeting(sl.05)/ 2023/ 223303 dated 15.09.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “(i) The Doon Valley Institution of Education, outside Jundla Gate, Karnal, Haryana running under the trust namely Doon Valley Trust was granted recognition by NRC vide order dated 29.09.2006. (ii) The submission of reply by Doon Valley Trust clearly implies that the trust of the institution has been changed as company under section 25 of the companies Act., 1956. (iii) It is clear that the Doon Valley Trust which was earlier at the time of recognition registered under the society’s registration Act., has now been incorporated as a company under Companies Act. 1956 which is not permissible under the NCTE Regulations, 2014.”

II. SUBMISSIONS MADE BY APPELLANT: -

No one from Doon Valley Institute of Education, 12871/42829-16, Outside Jundla Gate, Karnal, Haryana-132001 appeared online to present the case of the appellant institution on 27.03.2024. In the appeal report, it is submitted that “The impugned order is ex-facie, illegal and arbitrary as the NRC has not referred to any provision of the NCTE Act or the Regulations which is stated to have been breached by the Institution. Section 17 of the NCTE Act can be invoke by the Regional Committee only upon arriving at a satisfaction that the institution in question has contravened any provision of the act, regulations or any conditions subject to which the recognition was granted. It is thus obligatory and mandatory on part of the Regional Committee to expressly specify the provision which have been violated by the institution. As per the regulations, application for seeking recognition can be submitted either by a registered society or trust or by a company duly incorporated under the Companies Act. Initially COLLEGE was granted recognition while it was being sponsored by a registered society which comprised of family members. In the year 2011, the same members got the said

society incorporated as a company by obtaining NOC from the Registrar, Societies and after following the due process of law. Since the year 2011, the Doon Valley Trust has been representing itself before the NRC and the NCTE under the sponsorship of the company. There is no prohibition or impediment under the NCTE Act / Regulations to carry out such change which does not impact the character of functioning of the institution in any manner whatsoever.”

III. OUTCOME OF THE CASE

The Appeal Committee in its 5th Meeting, 2024 held online on 27th March 2024 perused the relevant records and the documents submitted by the appelland institution in the Appeal Report, documents on record.

The Appeal Committee noted that the appelland institution was granted recognition for B.Ed. Course with an annual intake of 100 vide order dated 16.08.2004 from the academic session 2004-2005 and for additional intake in the existing B.Ed. programme with annual intake of 300 (100+200) students vide order dated 29.09.2006. A revised provisional recognition order was issued to the institution on dt. 13.08.2015 for conducting B.Ed. programme of two years duration with an annual intake of 300 for six basic units of 50 students from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 15.09.2023.

The Appeal Committee noted that the matter was taken up by the Appellate Committee in its 13th Meeting, 2023 held on 19.10.2023 and further taken up in its 14th Meeting, 2023 held on 04.11.2023 but the Appellant Institution did not appear online to present its case before Appellate Authority and as such the Appeal Committee as per extant appeal rules decided to grant 2nd & 3rd/final opportunities respectively to the Appellant Institution to present its case before Appellate Authority.

The instant matter was again placed before the Appeal Committee in its 15th Meeting, 2023 held on 05.12.2023, the Appeal Committee noted that the Appellant Institution in addition to the explanation mentioned in appeal report submitted the

following documents with a claim to have rectified the shortcomings pointed out in the impugned withdrawal order: -

- (i) A copy of certificate of Doon valley Trust under Society Registration Act, 1860.
- (ii) A copy of approval of Registrar Firms & Societies for conversion of Society to Non-profit Section 25 Company.
- (iii) A copy of Resolution of Board of Doon Valley Trust .
- (iv) A copy of Certificate of Incorporation of Doon Valley Trust.
- (v) A copy of Approval of Government of India under Section 25 of the Companies Act, 1956.
- (vi) A copy of Resolution of Board of Directors of Doon Valley Trust.

Appeal Committee noted that applicant institution did not seek prior approval of NRC, NCTE which has finally resulted in conducting of B.Ed. programme by an institution managed by a Company which was never an applicant in this case. The Appeal Committee also observed that contrary to NCTE Act, Rules and Regulations framed thereunder the institution has suo moto without taking permission from the NRC, NCTE, has changed its management, and as per the written policy issued by the NCTE Hqr. vide letter dated 08.12.2016 and 23.12.2016, the change of management/society/trust is not permissible.

The Appeal Committee further noted that the institution in its Appeal Report contended that in the year 2011, the same Members of the Society got incorporated as a company by obtaining NOC from the Registrar, Societies and after following the due process of law the Doon Valley Trust has been representing itself before the NRC under the sponsorship of the company. The Appellant institution also contented that there is no prohibition or impediment under the NCTE Act, Regulations to carry out such change which does not impact the character of functioning of the institution in any manner whatsoever.

Therefore, the Appeal Committee decided to refer the matter to the NCTE, Hqrs. (Regulation Division) for obtaining the requisite clarification on the aforesaid matter and accordingly, the matter was kept in abeyance till the information was received from the NCTE, Hqrs. (Regulation Division).



The instant matter again placed before the Appeal Committee in its 5th Meeting, 2024 held on 27.03.2024. The Appeal Committee observed that the Doon Valley Trust which was earlier at the time of recognition registered under the Society's Registration Act., has now been incorporated as a company under Companies Act, 1956 which is not permissible under the NCTE Regulations, 2014 and directions issued by the NCTE from time to time.

In view of above, Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 15.09.2023 issued by NRC is confirmed.

IV. DECISION: -

After perusal of the Appeal Report, documents on record, Appeal Committee of the Council concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 15.09.2023 issued by NRC 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, Doon Valley Institute of Education, 12871/42829-16, Outside Jundla Gate, Karnal, Haryana-132001.**
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, Department of Higher Education (In charge Teacher Education), Government of Haryana, Room No. 46, 9th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh, Haryana.**



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 - 12/04/2024

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

File No. 89-223/E-323741/2023/Appeal/5th Meeting, 2024
APPLNRC202314741

Maa Bandhui Devraj Mahavidyalaya, 00170, VPO Pashuhari Tehsil, Belthara Road, District Ballia, Uttar Pradesh-221715 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	Mr. Nagendr Yadav, Deputy Manager
Respondent by	Regional Director, NRC
Date of Hearing	27.03.2024
Date of Pronouncement

आदेश / ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Maa Bandhui Devraj Mahavidyalaya, 00170, VPO Pashuhari Tehsil, Belthara Road, District Ballia, Uttar Pradesh-221715** dated 04.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NRC/NCTE/UP-2842-B.Ed./412th (Blended Mode) Meeting/2023/ (223624-223632)** dated 07.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i) After promulgation of NCTE Regulations, 2014, the institution has not consented to come under the Regulations, 2014 and Affidavit in this regard was also not submitted by the institution. Hence, revised recognition order for B.Ed. two-year duration was not issued to the institution. (ii) The institution has not submitted proof/evidence to prove that it is a multi-disciplinary institution as per clause 2(b) of NCTE Regulations, 2014. (iii) The institution has not submitted certified land documents issued by Govt. Competent Authority. (iv) The institution has not submitted building plan approved by the Govt. Competent Authority and not mentioned earmarked area for each course being run in the same premises. (v) The institution has not submitted latest Non-Encumbrance Certificate issued by Govt. Competent Authority. (vi) The institution has not submitted certificate to the effect that the building is differently abled friendly from the Govt. Competent Authority. (vii) The institution has not submitted building completion certificate issued by Govt. Competent Authority. (viii) The institution has submitted faculty approval letter dated 26.03.2015 issue by Mahatma Kashi Vidyapeeth, Varanasi for one HOD & Seven Lectures for five years contract basis. The institution has not submitted renewal approval letter for one HOD & Seven Lecturers. (ix) The institution has submitted other approval letter dated 03.10.2022 issued by Jananayak Chandrashekhar University, Ballia for eight lecturers. (x) As per approval letter only eight lecturers are as on dated. (xi) As per NCTE Regulations 2014 for B.Ed. two units one Principal/HOD and 15 lecturers required. (xii) The institution has not submitted latest approval letter issued by the affiliating Body. (xiii) The institution has not adher to the mandatory disclosure in the prescribed format and display up to date information on its official website as per NCTE Regulations 8(14) condition for grant of recognitions as per NCTE Regulations 2014."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Nagendr Yadav, Deputy Manager of Maa Bandhui Devraj Mahavidyalaya, 00170, VPO Pashuhari Tehsil, Belthara Road, District Ballia, Uttar Pradesh-221715 appeared online to present the case of the appellant institution on 27.03.2024. In the appeal report, it is submitted that "(i) The institution has duly submitted the requisite Affidavit consenting to come under NCTE Regulations 2014 which was sent vide letter dated 23.12.2014 through registered post no. RUS93125185IN on Jaipur address. With this appeal also the institution is submitted the requisite proof for submission of the affidavit. (ii) The institution has duly submitted in its earlier replied that it is multi-disciplinary institution as per clause 2(b) of NCTE Regulations, 2014. With this appeal also the institution is submitting all the requisite proof. (iii) The institution has duly submitted in its earlier replies the land documents issued by competent government authority. With this appeal also the institution is submitting all the requisite land documents. (iv) The institution is submitting the building plan and each course has been earmarked. With this appeal also the institution is submitting the building plan issued by competent authority. (v) The institution has duly submitted in its earlier replies the NEC issued by Competent Government Authority. With this appeal also the institution is submitting the NEC document issued by Competent Government Authority. (vi) The institution is duly submitting the disability certificate with this Appeal. (vii) The institution has duly submitted in its earlier reply the building completion certificate issued by Competent Government Authority. With this appeal also the institution is submitting the BCC issued by competent authority. (viii) The institution is duly submitted the faculty list duly approved. (ix) The institution is duly submitting the faculty list duly approved. (x) The institution has all the requisite faculty. 15 faculty and 1 Principal. (xi) The institution has all the requisite faculty. The institution has 15 faculty members and 1 Principal. (xii) The latest faculty letter from the affiliating University dated 03.10.2022 is submitted with this Appeal. (xiii) The institution has duly adhered to the mandatory disclosure format, and it has duly updated the information on its website www.mbdc.org. The screenshot of the website is duly submitted with this Appeal."



III. OUTCOME OF THE CASE

The Appeal Committee in its 5th Meeting, 2024 held online on 27th March 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of one year duration with an annual intake of 100 (One Hundred) students from the academic session 2011-2012 vide order dated 07.07.2011. Thereafter, on promulgation of NCTE Regulations, 2014 the institution has not consented to come under the Regulations 2014 and affidavit in this regard was also not submitted by the institution. Hence, revised recognition order for B.Ed. two years duration was not issued to the institution. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 07.10.2023.

The instant matter was placed in 1st Meeting, 2024 of the Appeal Committee held on 11.01.2024. The Appeal Committee noted that the Appellant Institution during on-line hearing held on 11.01.2024 mentioned before the Appellate Committee that the Appellant Institution had already submitted an affidavit dated 23.12.2014 to the NRC, NCTE and the NRC has failed to issue RPRO (Revised Provisional Recognition Order).

Therefore, the Appeal Committee vide letter dated 30.01.2024 had sought the clarification from the NRC, NCTE regarding the contentions made by the Appellant Institution before the Appeal Committee.

The instant matter was placed in 5th Meeting, 2024 of the Appeal Committee held on 27.03.2024 wherein, the Appeal Committee noted that the NRC vide letter dated 26.02.2024 had informed the Appeal Committee the following:

"In compliance of the said letter, the institution has submitted an affidavit of Rs. 100/- dated 12.02.2021 with signature of Management namely Sh. Upendra Yadav wherein it is stated that: -

In convey my willingness for two units of the proposed B.Ed. course.



As per available records, the institution has not submitted Affidavit dated 23.12.2014.”

In view of above, Appeal Committee concluded that the NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 07.10.2023 issued by NRC is hereby 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 NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 07.10.2023 issued by NRC 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, Maa Bandhui Devraj Mahavidyalaya, 00170, VPO Pashuhari Tehsil, Belthara Road, District Ballia, Uttar Pradesh-221715.
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, Department of Higher Education (In charge Teacher Education), Government of Uttar Pradesh, Uttar Pradesh State Council of Higher Education, 6th Floor, 619, Indira Bhawan, Ashok Marg, Lucknow, Uttar Pradesh-226001.