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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-31/E-338479/2024/Appeal/9th Meeting, 2024

APPLWRC202414784

D A V TT College, Ward no. 24, Village - Raisinghnagar, Sansta (Aarya Samaj), Sri Ganganagar, Rajasthan-335051. **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Piyoosh Kumar, Principal**
Respondent by	**Regional Director, WRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **D A V TT College, Ward no. 24, Village - Raisinghnagar, Sansta (Aarya Samaj), Sri Ganganagar, Rajasthan-335051** dated 05.06.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE / WRC / 2526202402231685 / MADHYAPRADESH/2024/REJC/1635** dated 14.05.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per the details provided by the institution on the transition portal, the name of the institution mentioned in the recognition order for 4 years Integrated B.A.B.Ed./B.Sc.B.Ed. course (as applicable) by NCTE does not match with the name mentioned in the transition application."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Piyoosh Kumar, Principal from D A V TT College, Ward no. 24, Village - Raisinghnagar, Sansta (Aarya Samaj), Sri Ganganagar, Rajasthan-335051 appeared online to present the case of the appellant institution on 15.07.2024 In the appeal report, it is submitted that "Details provided by the Institution on transition portal-Recognition order number for four years integrated B.A.B.Ed., B.Sc.B.Ed. course. The name of the institution registered in NRC/NCTE/RECOGNTIION/NRCAPP13358/2016/163250 dt. 13.12.2016 order is DEV Teacher Training College, Raisinghnagar. However, when the institution got the name amended from NCTE, NCTE issued order number F.NRC /NCTE/ NRCAPP13358/ B.A.B.Ed./B.Sc.B.Ed./ 2017/170108-09 dt. 12.04.2017, the name of the institution is D.A.V. Teacher Training College, Raisinghnagar. Hence, we request you to take back the rejection order of our institution and oblige the institution. Thanks."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 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 had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 05.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 14.05.2024.

The instant matter placed in its 9th Meeting, 2024 held on 15.07.2024. The Appeal Committee noted that the institution had applied for ITEP Programme, and the application of the institution was refused vide order dated 14.05.2024. The Appeal Committee noted that the Appellant institution vide letter dated 06.06.2024 has submitted the following documents: -

(i) A copy of Recognition order vide order no. File No. NRC/NCTE/Recognition/NRCAPP-13358/2016/163250 dt. 13.12.2016.
(ii) A copy of Corrigendum vide no. F.NRC.NCTE/NRCAPP-13358/B.A.B.Ed./ B.Sc.B.Ed./2017/170803-09 dt. 12.04.2017.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC **with a direction to take necessary action in accordance with Corrigendum dated 12.04.2017 after verifying the documents submitted before the Appeal Committee.** The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to take necessary action in accordance with Corrigendum dated 12.04.2017 after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, D A V TT College, Ward no. 24, Village - Raisinghnagar, Sansta (Aarya Samaj), Sri Ganganagar, Rajasthan-335051.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary, Higher Education, Department of College Education, Block-IV, Dr. Radhakrishnan Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur-302015.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-33/E-338853/2024/Appeal/9th Meeting, 2024

APPLWRC202414785

Harmal Panchakroshi Shikshan Mandals Ganpat Parsekar College of Education, Survey no. 221/0, Harmal Village, Arambol P.O, Vidya Sankul, Bhom Plateau, Pernem, Goa (North), Goa - 403524. **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Pandurang Bhagwan Pandit, Officiating Principal**
Respondent by	**Regional Director, WRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Harmal Panchakroshi Shikshan Mandals Ganpat Parsekar College of Education, Survey no. 221/0, Harmal Village, Arambol P.O, Vidya Sankul, Bhom Plateau, Pernem, Goa (North), Goa-403524** dated 22.05.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/ WRC/252620240217 1417/ GOA/2024/REJ/417** dated 14.05.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per the details provided by the institution on the transition portal, the name of the institution mentioned in the recognition order for 4-year Integrated B.A.B.Ed./B.Sc.B.Ed. course (as applicable) by NCTE does not match with the name mentioned in the transition application."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Pandurang Bhagwan Pandit, Officiating Principal from Harmal Panchakroshi Shikshan Mandals Ganpat Parsekar College of Education, Survey no. 221/0, Harmal Village, Arambol P.O, Vidya Sankul, Bhom Plateau, Pernem, Goa (North), Goa-403524 appeared online to present the case of the appellant institution on 15.07.2024 In the appeal report, it is submitted that "Details provided by the Institution on transition portal-Recognition order number for four years integrated B.A. B.Ed., B.Sc. B.Ed. course. The name of the institution registered in NRC/NCTE/RECOGNTIION/ NRCAPP13358/2016/163250 dt. 13.12.2016 order is DEV Teacher Training College, Raisinghnagar. However, when the institution got the name amended from NCTE, NCTE issued order number F.NRC /NCTE/ NRCAPP13358/ B.A. B.Ed./B.Sc. B.Ed./ 2017/170108-09 dt. 12.04.2017, the name of the institution is D.A.V. Teacher Training College, Raisinghnagar. Hence, we request you to take back the rejection order of our institution and oblige the institution. Thanks."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 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 had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 05.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 14.05.2024.

The instant matter placed in its 9th Meeting, 2024 held on 15.07.2024. The Appeal Committee noted that the institution had applied for ITEP Programme, and the application of the institution was refused vide order dated 14.05.2024. The Appeal Committee noted that the Appellant institution vide letter on 18.06.2024 has submit the following documents: -

(i) A copy of Recognition order vide order no. File No. WRC/ 426003/227th/ B.Sc.B.Ed./2015/140023 dt. 31.05.2015.

(ii) A copy of Corrigendum vide no. F.No.NCTE/ WRC/426003/ B.Sc.B.Ed./392nd/ GOA/2023/224075. Dt. 04.09.2023.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC **with a direction to take necessary action in accordance with Corrigendum dated 04.09.2023 after verifying the documents submitted before the Appeal Committee.** The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to take necessary action in accordance with Corrigendum dated 04.09.2023 after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Harmal Panchakroshi Shikshan Mandals Ganpat Parsekar College of Education, Survey no. 221/0, Harmal Village, Arambol P.O, Vidya Sankul, Bhom Plateau, Pernem, Goa (North), Goa-403524.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Education, Secretariat, Porvorim, Goa-403521.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
89-38/E-339372/2024/Appeal/9th Meeting, 2024

APPLWRC202414787

Tantia University, Plot no. 11, 12, 19, 20, Near Riico Village, 13 LNP-II, Hanumangarh Road, Sri Ganganagar, Rajasthan – 335002. **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Rajender Kumar, Principal**
Respondent by	**Regional Director, WRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Tantia University, Plot no. 11, 12, 19, 20, Near Riico Village, 13 LNP-II, Hanumangarh Road, Sri Ganganagar, Rajasthan – 335002** dated 13.06.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/WRC/2526202402271791/RAJASTHAN/2024/REJC/1741** dated 14.05.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "The name of the institution mentioned in the recognition order for 4-year Integrated B.A. B.Ed./B.Sc. B.Ed. course (as applicable) by NCTE does not match with the name mentioned in the transition application."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Rajender Kumar, Principal, from Tantia University, Plot no. 11, 12, 19, 20, Near Riico Village, 13 LNP-II, Hanumangarh Road, Sri Ganganagar, Rajasthan – 335002 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "Regional Director, Northern Regional Committee, National Council for Teacher Education, New Delhi. Subject: -Regarding reconsideration of he rejected application of ITEP of Tantia University Sri Ganganagar. Reference: - Your email letter no. NCTE/WRC/2526202402271791/RAJASTHAN/2024/REJC/1741 dated 14.05.2024 under the above subject, it is requested that on 05/03/2024, the applicant institute Tantia University, Sri Ganganagar applied online for converting B.Sc. B.Ed./B.A.B.Ed. into Integrated Teacher Education Programme (ITEP), whose application number is NCTE-Reg1022/16/2023-Reg. Sec – HQ and application ID is 2526202402271791. Due to clerical error during online application by the applicant institute, Faculty of Education, Tantia University, Sri Ganganagar was written in the application form whereas only Tantia University, Sri Ganganagar was to be filled in that place. Due to the above reason, the application for the applicant institute was rejected by you. In this regard, you are requested to submit an application along with an affidavit and that the name of the institute in the application form be read as Tantia University, Sri

Ganganagar instead of Faculty of Education, Tantia University, Sri Ganganagar and the said letter be accepted as a correction letter. Under Section 15(20)/17(1) of NCET, the applicant institute should be given an opportunity of making representation and this human error should be pardoned in the interest of natural justice and the order passed against the applicant, should be cancelled and the application should be reaccepted, and recognition should be granted Dr. Rajender Kumar Dean Tantia University, Sri Ganganagar (Raj)."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 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 had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 05.03.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 14.05.2024.

The instant matter placed in its 9th Meeting, 2024 held on 15.07.2024. After perusing the documents submitted by the appellant institution vide letter dt. 13.06.2024, the Committee observed that the institution during the Appeal hearing informed the Committee that the institution inadvertently instead of **Tantia University, Sri Ganganagar** had applied for ITEP course in the name of **Faculty of Education, Tantia University, Sri Ganganagar.** The institution has also submitted an affidavit stating that the institution inadvertently instead of **Tantia University, Sri Ganganagar** had applied for ITEP course in the name of **Faculty of Education, Tantia University, Sri Ganganagar.**

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC **with a direction to verify the issue and if a recognition order has been issued by the WRC, NCTE to the Tantia University for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate**

action shall be taken by the WRC in order to rectify the mistake which is inadvertently made by the institution while applying for ITEP programme through online portal after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to verify the issue and if a recognition order has been issued by the WRC, NCTE to the Tantia University for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC in order to rectify the mistake which is inadvertently made by the institution while applying for ITEP programme through online portal after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Tantia University, Plot no. 11, 12, 19, 20, Near Riico Village, 13 LNP-II, Hanumangarh Road, Sri Ganganagar, Rajasthan – 335002.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Principal Secretary Higher Education, Department of College Education, Block-IV, Dr. S. Radhakrishnan Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur- 302015

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F.No. 89-39/E-339462/2024/Appeal/9th Meeting, 2024

APPLSRC202414788

Lal Bhadur Shastri Post Graduate College, Plot No. 145, Pt Deen Dayal Upadhyay Nagar, Mughalsarai, Chandauli, Uttar Pradesh-232101. **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Mr. Udayan Misra, Principal**
Respondent by	**Regional Director, NRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Lal Bhadur Shastri Post Graduate College, Plot No. 145, Pt Deen Dayal Upadhyay Nagar, Mughalsarai, Chandauli, Uttar Pradesh-232101** dated 17.05.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NRC/NCTE/UP-315-B.Ed./403rd (Online Mode) meeting/2023/222684** dated 26.07.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted reply of Final Show Cuse Notice dt. 16.06.2023. The Committee considered the matter of the institution and observed the following: The institution not submitted reply of Final Show Cause Notice dt. 16.06.2023 till date grounds mentioned as under: (i) Whether the institution has submitted affidavit to NRC for issuance of Revised Recognition order. If yes, please submit proof of the same and if not, then furnish reasons of non-submission of the affidavit to NRC. (ii) The institution has to submit whether they had submitted compliance with the conditions prescribed under Regulations, 2014 (Enhanced FDRs, Revised Staff Profile, additional built-up area etc.,) for consideration and decision of the Committee without issuance of revised recognition order and after submission of affidavit from the list attached. (iii)If the institution does not fall in any of above two categories, then institution is required to inform NRC about their status in respect of revised recognition order compliance matters."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Udayan Misra, Principal, from Lal Bhadur Shastri Post Graduate College, Plot No. 145, Pt Deen Dayal Upadhyay Nagar, Mughalsarai, Chandauli, Uttar Pradesh-232101 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "महोदय, उक्त के क्रम में आपको अवगत कराना है कि आपके पत्रांक एफ. न. एन.आर.सी./एनसीटीई/युपी 315 बी.एड/403 (ऑनलाइन मोड) मीटिंग/2023/22684 दिनाक 26 जुलाई, 2023 के प्रत्युतर में विश्वविद्यालय के कुलसचिव कार्यालय से प्राप्त withdrawal order के क्रम में विश्विद्यालय के कुलसचिव कार्यालय से मुझे मौखिक रूप से यह

बताया गया कि आपके महाविद्यालय में चल रही बी.एड पाठ्यक्रम को NCTE द्वारा withdraw कर लिया गया है| कुलसचिव कार्यालय से (कुलसचिव प्रति) प्राप्त करने के पशचात महाविद्यालय द्वारा एक सपष्टीकरण पत्र दिनाक 19.08.2023 को एन.सी.टी.ई को ईमेल किया गया तथा दिनाक 25.08.2023 को उक्त पत्र डाक द्वारा भी भेजा गया | दिनाक 14.09.2023 को एन.सी.टी.ई के मुख्यालय में प्रत्यक्ष रूप से भी उक्त सपष्टीकरण पत्र को रिसीव कराया गया | दिनाक 22.09.2023 को NCTE के वेब साईट ncte.org पर withdrawal पत्र के क्रम में प्रेषित वेब साईट पर ऑनलाइन अपील दर्ज करने का प्रयास किया गया परन्तु server not found कि समस्या लगातार बनी रही (server not found प्रति संलगन हे), तत्पशचात विश्विद्यालय से मौखिक वार्ता के क्रम में NCTE कि नई वेबसाइट-appeal@ncte-india.org पर प्रयास करने पर दिनाक 28.09.2023 को मेल पर NCTE द्वारा लॉग इन आई.डी.पासवर्ड प्राप्त होने पशचात समस्त विवरण पूरित करते हुए भुगतान हेतु ऑनलाइन डेबिट कार्ड द्वारा पेमेंट करने का प्रयास कई बार किया गया परन्तु भुगतान नही हो सका | दिनाक 07.02.2024, को डाक द्वारा रिमाइंडर पत्र एनसीटीई को प्रषित किया गया, किन्तु महाविद्यालय को कोई दिशा निर्देश प्राप्त नही हुआ| अंत में दिनाक 23.02.2024 को अंतिम पत्र भेजा गया जिसका भी अघतन तिथि तक कोई दिशा निर्देश प्राप्त नही हुआ| पुन: NCTE के वेबसाइट पर ऑनलाइन नई आई.डी./पासवर्ड जनरेट करते हुए ऑनलाइन अपील सं-APPLNRC202414778 द्वारा भुगतान कि कार्यवाही दिनाक 19.06.2024 को पूर्ण कर ली गई है, जिसका विवरण संलगन है| साथ ही साथ आपको अवगत कराना है कि एनसीटीई द्वारा महाविद्यालय को डाक व मेल द्वारा withdrawal पत्र से सम्बंधित किसी भी प्रकार का कोई पत्र प्राप्त नही हुआ है| महोदय आपसे पुन: निवेदन करना है कि उक्त महाविद्यालय एक अनुदानिक अशासकीय महाविद्यालय है| महाविद्यालय के शिक्षको का चयन उच्तर शिक्षा सेवा चयन आयोग द्वारा किया जाता है| शिक्षको का वेतन राजकीय कोषागार उत्तर प्रदेश से आहरित होता है | महाविद्यालय एनसीटीई के नियम/आदेशो को मानने के लिए कृतसंकल्प हे| बी.एड का नविन सत्र 2024-2025 शीघ्र आरम्भ होने वाला है महाविद्यालय द्वारा प्रेषित समस्त पत्रों का अवलोकन करते हुए उपरोक्त अपील की सुनवाई करने का कष्ट करे| हम इस संधर्भ में सदेव आपके आभारी रहेंगे|."

Regarding delay in filing of Appeal the Institution submitted the following: -

"उक्त के क्रम में आपको अवगत कराना है कि एनसीटीई द्वारा महाविद्यालय को डाक व मेल द्वारा withdraw पत्र से सम्बंधित किसी भी प्रकार का कोई पत्र प्राप्त नही हुआ है|

आपके पत्रांक एफ. न. एन.आर.सी./एनसीटीई/युपी 315 बी.एड/403 (ऑनलाइन मोड) मीटिंग/2023/22684 दिनाक 26 जुलाई, 2023 के प्रत्युतर में विश्वविद्यालय के कुलसचिव कार्यालय से मुझे मौखिक रूप से यह बताया गया कि आपके महाविद्यालय में चल रहे बी.एड पाठ्यक्रम को NCTE द्वारा withdraw कर लिया गया है| कुलसचिव कार्यालय से (कुलसचिव प्रति) प्राप्त करने के पशचात महाविद्यालय द्वारा एक सपष्टीकरण पत्र दिनाक 19.08.2023 को एन.सी.टी.ई को ईमेल किया गया तथा दिनाक 25.08.2023 को उक्त पत्र डाक द्वारा भी भेजा गया |

दिनाक 14.09.2023 को एन.सी.टी.ई के मुख्यालय में प्रत्यक्ष रूप से भी उक्त सपष्टीकरण पत्र को रिसीव कराया गया | दिनाक 22.09.2023 को NCTE के वेब साईट ncte.org पर withdrawal पत्र के क्रम में प्रेषित वेब साईट पर ऑनलाइन अपील दर्ज करने का प्रयास किया गया परन्तु server not found कि समस्या लगातार बनी रही (server not found प्रति संलगन हे), तत्पशचात विश्धिद्यालय से मौखिक वार्ता के क्रम में NCTE कि नई वेबसाइट-appeal@ncte-india.org पर प्रयास करने पर दिनाक 28.09.2023 को मेल पर NCTE द्वारा लॉग इन आई.डी.पासवर्ड प्राप्त होने पशचात समस्त विवरण पूरित करते हुए भुगतान हेतु ऑनलाइन डेबिट कार्ड द्वारा पेमेंट करने का प्रयास कई बार किया गया परन्तु भुगतान नही हो सका |

दिनाक 07.02.2024, को डाक द्वारा रिमाइंडर पत्र एनसीटीई को प्रषित किया गया, किन्तु महाविद्यालय को कोई दिशा निर्देश प्राप्त नही हुआ| अंत में दिनाक 23.02.2024 को अंतिम पत्र भेजा गया जिसका भी अघतन तिथि तक कोई दिशा निर्देश प्राप्त नही हुआ|

पुन: NCTE के वेबसाइट पर ऑनलाइन नई आई.डी./पासवर्ड जनरेट करते हुए ऑनलाइन अपील सं-APPLNRC202414778 द्वारा भुगतान कि कार्यवाही दिनाक 19.06.2024 को पूर्ण कर ली गई है|"

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide orders dated 24.07.2000 and

the NRC withdrawn the recognition of the institution vide Order No. **F.No.NRC/NCTE/UP-315-B.Ed./403rd (Online Mode) meeting/2023/222684** dated 26.07.2023.

The Appeal Committee after perusing the documents submitted by the appellant Institution noted that the institution is recognised institution running since 2000 without any difficulties. Moreover, the institution informed that the institution has not received any SCN/FSCN from the NRC, NCTE. The institution further informed the Committee during online hearing that the institution continued to have affiliation for running B.Ed. programme until withdrawal of recognition.

The Appeal Committee noted that the Appellant institution vide letter dated 21.06.2024 submitted detailed explanation and reasons for delay which has been accepted by the Appeal Committee.

The Appeal Committee also observed that this is a RPRO case for B.Ed. programme and recognition was granted to the institution on 24.07.2000. The Appeal Committee also noted that the NRC withdrawn the recognition of the institution on 26.07.2023 and failed to take a due necessary action within reasonable time, if the institution was deficient and non-compliant of NCTE Regulations, 2014, NRC should have taken due action against the institution at that point to time. The NRC, NCTE should have taken opinion from the Regulation Division of the NCTE wherein so many years has been passed and the recognition of the institution is continuing considering the concern and welfare of the students.

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

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the impugned order dated 26.07.2023, required to be verified 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 NRC is required to verify the documents submitted in appeal from the concerned affiliating University/authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned order dated 26.07.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

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

IV. DECISION: -

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

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

उप सचिव (अपील)/ Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Lal Bhadur Shastri Post Graduate College, Plot No. 145, Pt Deen Dayal Upadhyay Nagar, Mughalsarai, Chandauli, Uttar Pradesh-232101.**
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 Principal Secretary, Department of Higher Education & Member Secretary, Uttar Pradesh State Council of Higher Education, 6th Floor, 619, Indira Bhawan, Ashok Marg, Lucknow, Uttar Pradesh-226001.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-71/E-299499/2023/Appeal/9th Meeting, 2024

APPLWRC202314585

Swami Shri Swaroopanand Saraswati Mahavidyalaya, 219/1 part, Near Skand Ashram, Amdi Nagar, Hudco, Hospital Area Bhilai, Durg, Chhattisgarh-490009. **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Dr. Deepak Sharma, Treasurer**
Respondent by	**Regional Director, WRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Swami Shri Swaroopanand Saraswati Mahavidyalaya, 219/1 part, Near Skand Ashram, Amdi Nagar, Hudco, Hospital Area Bhilai, Durg, Chhattisgarh-490009** dated 03.04.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. WRC/NCTE/APWO1985/723076-B.Ed. & APW04123/ 725009-B.Ed./(Addi.)/399th Meeting/2024/224834 to 224840** dated 29.01.2024 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i). The faculty as per NCTE Regulation was not appointed in the institution on the date of appeal order. (ii). The institution does not fulfil the NCTE norms related to the faculty."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Deepak Sharma, Treasurer from Swami Shri Swaroopanand Saraswati Mahavidyalaya, 219/1 part, Near Skand Ashram, Amdi Nagar, Hudco, Hospital Area Bhilai, Durg, Chhattisgarh-490009 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "(i) That the WRC in its 304th Meeting held on 2nd to 4th April, 2019 (at Sr. No. 12) has arbitrary withdrawn recognition of our institution for conducting the B.Ed. course, wrongly observing the deficiencies which were existed in our institution. A copy of relevant minutes of 304th Meeting of WRC held on 2nd to 4th April, 2019 (at Sr. No. 12) is enclosed as Enclosure1. (ii) That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. (iii) That WRC vide its order dated 27.04.2006 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students from the academic session 2005-06. Thereafter, WRC vide its order dated 29.07.2008 granted recognition to the appellant institution for running the B.Ed. course with additional intake of 100 students, thereby increasing the total intake of our institution to 200. Subsequently, after the new NCTE Regulations, 2014, the WRC issued a revised recognition order dated

20.05.2015 to our institution for running the B.Ed. course with 200 students from the academic session 2016-17. (iv) That subsequently, our institution submitted its compliance to the revised recognition order and was functioning successfully and uninterruptedly. However, WRC issued the show cause notice dated 02.09.2016, pointing out deficiency regarding staff profile, land documents and FDRs. (v) That, accordingly, the appellant institution vide its letter dated 20.09.2016 submitted the compliance to the show cause notice dated 02.09.2016 alongwith staff list duly approved by the affiliating body, notarized CLU, NEC, BCC, approved building plan and FDRs. (vi) That thereafter, WRC in its in its 287th Meeting held on 30-31.01.2018 considered the case of our institution and issued show cause notice 05.02.2018 to our institution directing the appellant institution to submit the revised / latest documents. (vii) That, accordingly, the appellant institution vide its letter dated 01.03.2018 submitted the compliance to the show cause notice dated 05.02.2018 alongwith the staff profile approved by the new affiliating authority i.e. Durg University, building completion certificate and FDR etc. Thereafter, the appellant institution vide another letter dated 15.03.2018 submitted list of two additional faculty approved by the affiliating body. (viii) That thereafter, WRC, in its 293rd Meeting held on 12th to 14th June 2018 considered the reply of our institution submitted in respect of B.Ed. course, together with the file of M.Ed. courses, and issued show cause notice dated 22.06.2018 directing appellant to submit separate approved staff list and FDRs for both the courses. (ix) That, accordingly, the appellant institution vide its letter dated 19.07.2018 submitted the compliance to the show cause notice dated 22.06.2018 alongwith the staff profile approved by the new affiliating authority. (x) That however, the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No.12), considered the matter of the appellant institution and decided to withdraw recognition of our institution with following observation: "On perusal of the reply of the institution it is observed that the institution has not submitted the following documents: (a) The institution has not submitted a letter granting approval for selection or appointment of faculty, issued by the affiliating body as per NCTE Regulations, 2014. (b) The institution has submitted staff list signed by Registrar, Durg University, Durg which is not as per NCTE Amendment Regulations 2017." (xi) That WRC is wrong in taking a decision of withdrawal of appellant institution, as appellant had already complied to the conditions of Show Cause dated

02.09.2016, 05.02.2018 and 22.06.2018. The WRC took the decision of withdrawal of the appellant institution without thoroughly taking note of the reply of the appellant institution submitted along with the relevant documents which was duly accepted by the WRC at that point of time. Further, the approved faculty list submitted by the appellant institution was duly countersigned by the Registrar of affiliating university. (xii) That it is submitted that appellant institution is running since the year 2005 and it does not lack any of the infrastructural or instructional facilities required as per the NCTE norms and the WRC itself have issued the recognition / revised recognition order to the appellant institution for B.Ed. course. Further, if WRC was not satisfied with the document, it should have conducted expert inspection of the appellant institution verifying as to whether the institution is adhering with norms of NCTE or not. (xiii) That, accordingly, appellant institution approached the Hon'ble Delhi High Court by filing the WP No.4742/2019 challenging the decision taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No.12). The aforesaid writ petition was heard by the Hon'ble Court when the Hon'ble Court passed the order dated 06.03.2023: "5. considered the submissions made by learned counsel appearing on behalf of the parties and on consideration of facts and circumstances, this court finds it appropriate to dispose of the present petitions, with direction to petitioners to approach appellate committee in terms of Section 18 of NCTE Act, 1993 within a period of 30 days from today. 6. If the petitioners approach the appellate committee within a period of 30 days from today, their appeal would be decided strictly, on the basis of merit without dismissing the same on the ground of limitation. The interim orders dated 03.05.2019 and 08.05.2019 confirmed on 06.11.2019 shall remain in force, till the decision is passed by the appellate committee." (xiv) That it is submitted that the appellant was also having the faculties in terms of Regulation 2017 before the appeal order however, it appears that the College representative wrongly produced the list which reflected that the faculties were not in terms of Regulations 2017. (xv) That thereafter, the appeal of the appellant herein was heard by the aforesaid appeal committee on 12.05.2023. (xvi) That however, the appeal committee vide order dated 22.05.2023, rejected the appeal of appellant institution pointing out altogether different grounds / deficiencies, which were never part of the withdrawal / show cause notices issued by the WRC and were never communicated to the appellant institution. (xvii) That in these

circumstances, challenging the decision taken by the WRC in its 304th meeting held on 2nd to 4th April, 2019 (at Sr. No.12) and also the appeal committee order dated 22.05.2023, appellant institution approached the Hon'ble Delhi High Court by filing WP No.8331/2023, wherein following order was passed on 14.09.2023: "7. In any case, the Western Regional Committee (hereinafter referred toas WRC) would be an appropriate authority to examine as to whether the petitioner institution had the requisite number of faculty on the date of passing of the order by the Appellate Authority. 8. Let the matter be re-examined by the WRC on the basis of the additional affidavit produced by the petitioner-institution and if the regional committee finds that on the date of passing of the order by the Appellate Authority, the petitioner-institution was fulfilling the requisite criteria laid down in applicable regulations, then necessary order of restoring the recognition of the petitioner-institution be passed." (xviii) That in compliance of the aforesaid order dated 14.09.2023, WRC by its order dated 29.01.2024, considered the matter of our institution (appellant herein), and has taken following decision: - "In compliance of order dated 14/09/2023 passed by the Hon'ble High Court of Delhi in the W.P. (C) 8331/2023 and CM Appl. 31897/2023, the case was considered by the WRC and decided that the withdrawal order dated 12.04.2019 still stands on the following grounds: (a) The faculty as per NCTE Regulations, was not appointed in the institution on the date of appeal order. (b) The institution does not fulfil the NCTE norms related to the faculty The institution and all other concerned will be informed accordingly." (xix) That the aforesaid decision taken by the WRC is unjustified as the faculties were available before the Appeal Order was passed as also a new faculty list which was currently available was given to WRC after the High Court order. Thus, the action of the WRC is erroneous. (xx) That thus, the decision of withdrawal / withdrawal order dated 29.01.2024 of the WRC, is not maintainable and the appeal committee is requested to revert the same with further direction to WRC to restore the recognition of appellant institution herein. PRAYER, It is, therefore, most respectfully prayed that NCTE may graciously be pleased to: - (i) Allow the present appeal of the appellant institution and restore its recognition thereby granting an opportunity to it to submit the documents desired by the WRC."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 + 100 = 200 students vide orders dated 27.04.2006 & 29.07.2008. After promulgation of NCTE Regulations, 2014 vide notification dt. 28.11.2014, the "Swami Shri Swaroopanand Saraswati Mahavidyalaya", Amdi Nagar, Hudco, Bhilai, Chattisgarh-490009 offering B.Ed. course was informed vide email/public notice to submit a duly notarized affidavit as an acceptance of the NCTE Regulations, 2014 by the institution. After the receipt of affidavit dt. 12.01.2015 from the institution, a Revised Recognition Order dt. 20.05.2015 was issued to the institution for conducting B.Ed. programme of two years duration with an annual intake of 200 students (Two basic units of 50 students each & additional two units of 50 students each) from the academic session 2015-2016. Thereafter, a withdrawal order was issued to the institution vide order dt. 12.04.2019.

The Appeal Committee noted that the Hon'ble Court order dated 6th March, 2023 passed in W.P.(C) 4742/2019 wherein the Court directed the NCTE to decide the matter: -

> ***"....6. If the petitioners approaches the appellate committee within a period of 30 days from today, their appeal would be decided strictly, on the basis of merit without dismissing the same on the ground of limitation. The interim orders dated 03.05.2019 and 08.05.2019 confirmed on 06.11.2019 shall remain in force, till the decision is passed by the appellate committee...."***

The institution thereafter approached the appeal Committee by filling an appeal u/s 18 and the matter was decided by the Appeal Committee in its 5th Meeting, 2023 held on 12.05.2023 and the Committee vide order dt. 22.05.2023 rejected the appeal of the appellant institution. The relevant portion of the said order is being reproduced hereunder: -

> ***"The Appeal Committee in its 5th Meeting, 2023 held on 12.05.2023 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) The faculty list provided with memorandum of appeal do not fulfil the criteria laid down by NCTE from time to time. It has been observed that certain faculty do not fulfil the eligibility criteria as per provisions of the NCTE Regulations, 2014. 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 certificate of the Principal.

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 WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 12.04.2019 issued by WRC 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 WRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 12.04.2019 issued by WRC is confirmed."

The institution had filled W.P. in the Hon'ble Court of Delhi at New Delhi W.P.(C) 8331/2023 and CM APPL.31897/2023 dt. 02.06.2023 and 14.09.2023 respectively. Thereafter the matter was placed before the WRC in its 397th Meeting held on 21.11.2023 and the recognition of the institution for B.Ed. programme was again withdrawn by the WRC vide order dated 29.01.2024.

The institution again filed the fresh appeal before the Appeal Committee against the Withdrawal order dt. 29.01.2024. The instant matter placed before the Appeal Committee in its 7th Meeting, 2024 held on 14.05.2024 and the Appeal Committee sought certain clarification.

The instant matter again placed in its 8th Meeting, 2024 held on 06.06.2024. The Appeal Committee after perusing the documents submitted by the appellant institution vide letter dt. 30.05.2024, observed that the institution has submitted the faculty list approval from Hemchand Yadav University, Durg, however, the proceedings of the faculty are approved by the Pandit Ravishankar Shukla University, Raipur. The Appeal

Committee also noted that some of the faculty appointed by the institution are not having NET/Ph.D. as per provisions of the NCTE Regulations 2017.

The instant matter again placed before the Appeal Committee in its 9th Meeting, 2024 held on 15.07.2024 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 29.01.2024: -

(i) A copy of faculty list (1+30) members approved by the Registrar, Hem Chand Yadav University, Durg, Chattisgarh alongwith NOC dated 01.07.2024 issued by the Registrar of Hemchand Yadav University, Durg certifying that education department faculties earlier ratified by Pt. Ravishankar Shukla University, Raipur were absorbed in the same status in Hemchand Yadav University, Durg.
(ii) An affidavit on appointment of faculty as per prevalent norms & standards

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the impugned order dated 29.01.2024 and keeping in view, the Hon'ble High Court of Delhi Judgment **dated 23.02.2017** passed in **W.P(C). no. 3231/2016** titled **"Rambha College of Education V/s NCTE"** wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the impugned order dated 29.01.2024, required to be verified. **The WRC is required to verify the faculty list etc. submitted in appeal from the concerned affiliating University as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned order dated 29.01.2024 is set-aside as the Appellate Committee has decided to remand back the case to WRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC **with a direction to verify the faculty list etc. submitted in Appeal from the concerned affiliating University/authority.** The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to verify the faculty list etc. submitted in Appeal from the concerned affiliating University/authority. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Swami Shri Swaroopanand Saraswati Mahavidyalaya, 219/1 part, Near Skand Ashram, Amdi Nagar, Hudco, Hospital Area Bhilai, Durg, Chhattisgarh-490009.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Higher Education, Government of Chhatisgarh First floor, Mahanadi Bhawan, Nava Raipur Atal Nagar, Chhattisgarh-492002.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F.No. 89-28/E-337870/2024/Appeal/9th Meeting, 2024

APPLWRC202414783

Pandit Dwarikadas Mahavidyalaya Athner, Khasara No. 683/5, 683/6, 599/14, Village - Athner, Multai Road, Betul, Madhya Pradesh-460110. **APPELLANT**	**Vs**	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Mr. Anand Rathore, Vice Chairman**
Respondent by	**Regional Director, WRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **Pandit Dwarikadas Mahavidyalaya Athner, Khasara No. 683/5, 683/6, 599/14, Village - Athner, Multai Road, Betul, Madhya Pradesh-460110** dated 02.06.2024 filed under Section 18 of NCTE Act, 1993 is against the order no. **F. No. NCTE/WRC/2526202402061025/MADYAPRADESH/2024/REJC/25** dated 14.05.2024 of the Western Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per the details provided by the institution on the transition portal, the name of the institution mentioned in the recognition order for 4-year Integrated B.A. B.Ed./B.Sc. B.Ed. course (as applicable) by NCTE does not match with the name mentioned in the transition application."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Anand Rathore, Vice Chairman of Pandit Dwarikadas Mahavidyalaya Athner, Khasara No. 683/5, 683/6, 599/14, Village - Athner, Multai Road, Betul, Madhya Pradesh-460110 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "(i). The recognition was granted to the institution namely pandit Dwarikadas B.Ed. (co-ed) Mahavidyalaya Village, Athner, Tahsil/Mandal Athner District, Betul MP for B.Sc. B.Ed. integrated programme of 4-year duration with an annual intake of 100 students from the academic session 2017-2018 vide order dated 04.05.2017 copy enclosed. (ii). As per decision of WRC in its 276th Meeting held on 30th-31st May 2017 change the name of institution from Pandit Dwarikadas B.Ed. (co-ed) Mahavidyalaya, Athner to Pandit Dwarikadas Mahavidyalaya, Athner vide WRC NCTE letter dt. 28.06.2017 copy enclosed. (iii). In connection to our application submitted for 4-Year integrated programme (B.Sc. B.Ed.) for the transition to integrated teacher education programme (ITEP) as per NCTE Regulations Application number 2526202402061025 dated 23.02.2024 mistakenly name of institution fill up Pandit Dwarikadas Vigyan Mahavidyalaya in place of Pandit Dwarikadas Mahavidyalaya. (iv). In this regard the institution sent to affidavit and request letter dated 24.02.2024 regarding read the name of Mahavidyalaya in place of Pandit Dwarikadas Vigyan Mahavidyalaya copy of request letter, affidavit and courier receipt enclosed. (v). In view of the

above, it is requested to accept my request and remand back the case to the institution to grant as the permission to conduct 4-year integrated teacher education programme (ITEP) Regulation."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 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 had submitted an application to the Western Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 23.02.2024. The recognition of the institution for ITEP programme was refused by the WRC vide order dated 14.05.2024.

The instant matter placed in its 8th Meeting, 2024 held on 06.06.2024. The appellant institution during the online hearing informed the Appeal Committee that the institution inadvertently instead of **Pandit Dwarikadas Mahavidyalaya** had applied for ITEP course in the name of **Pandit Dwarikadas Vigyan Mahavidyalaya.** Therefore, the Committee decided to seek the clarification from the Regulation (Hqrs) that such mistake of the institution can be rectified.

The instant matter placed in its 9th Meeting, 2024 held on 15.07.2024. After perusing the documents submitted by the appellant institution vide letter dt. 04.06.2024. The Committee observed that the institution during the Appeal hearing informed the Committee that the institution inadvertently instead of **Pandit Dwarikadas Mahavidyalaya** had applied for ITEP course in the name of **Pandit Dwarikadas Vigyan Mahavidyalaya.** The institution has also submitted an affidavit stating that the institution inadvertently instead of **Pandit Dwarikadas Mahavidyalaya** had applied for ITEP course in the name of **Pandit Dwarikadas Vigyan Mahavidyalaya.**

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to WRC **with a direction to verify the issue and if a recognition order has been issued by the WRC, NCTE to the**

Pandit Dwarikadas Mahavidylaya for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC in order to rectify the mistake which is inadvertently made by the institution while applying for ITEP programme through online portal after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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 WRC with a direction to verify the issue and if a recognition order has been issued by the WRC, NCTE to the Pandit Dwarikadas Mahavidylaya for running B.A. B.Ed./B.Sc. B.Ed. programme then appropriate action shall be taken by the WRC in order to rectify the mistake which is inadvertently made by the institution while applying for ITEP programme through online portal after verifying the documents submitted before the Appeal Committee. The Appellant institution is directed to forward to the WRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the WRC 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, Pandit Dwarikadas Mahavidyalaya Athner, Khasara No. 683/5, 683/6, 599/14, Village - Athner, Multai Road, Betul, Madhya Pradesh-460110.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Department of Higher Education, 2nd Floor, Annex-3, Vallabh Bhawan, Bhopal-462004.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F.No. 89-24/E-336799/2024/Appeal/9th Meeting, 2024

APPLSRC202414774

NMKRV College for Women, 45/1, 22nd Cross, 3rd Block, Jayanagar, Bangalore, Karnataka-560011. **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. Snehalata G Nadiger, Principal**
Respondent by	**Regional Director, SRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **NMKRV College for Women, 45/1, 22nd Cross, 3rd Block, Jayanagar, Bangalore, Karnataka-560011** dated 16.05.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/SRC/2526202402081129/ KARNATAKA/2024/REJC/129** dated 08.05.2024 of the Southern Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "As per records the institution has not been granted recognition for offering B.A. B.Ed./B.Sc. B.Ed. course by this office. Despite the institution has applied for transition from 4-year integrated programme (B.A. B.Ed./B.Sc. B.Ed.) to integrated Teacher Education Programme (ITEP) prescribed in NCTE (Amendment Regulation 2021 dated 26.10.2021). The SRC in its 435th Meeting held during 3rd April 2024 has decided that the applications submitted by the institution is not eligible to apply for transition from the 4-year integrated programme (B.A.Ed./B.Sc. B.Ed.) to Integrated Teacher Education Programme (ITEP) prescribed in NCTE (Amendment Regulation 2021 dated 26.10.2021) as per Public Notice dated 5th February 2024, accordingly, are hereby rejected."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. Snehalata G Nadiger, Principal from NMKRV College for Women, 45/1, 22nd Cross, 3rd Block, Jayanagar, Bangalore, Karnataka-560011 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "We made an application to Southern Regional Centre, NCTE, Jnana Bharathi Campus, Bangalore University-560056, Bengaluru on requesting for grant of recognition to commence 4-year integrated course in B.A., B.Ed. and B.Sc., B.Ed. in the year 2016. This was approved by order no. F. No.SRO/NCTE/SRCAPP201630084/B.A. B.Ed./92798 dated 15.06.2017 & F. No. SRO/NCTE/SRCAPP201630084/B.Sc. B.Ed./92796 dated 15.06.2017. Consequent to grant of approval, we commenced the course, and the first batch was started in the year 2018 and the next batch started in 2019. The students of both these batches have completed the course and passed the examination and have also been conferred degree by the Bangalore university. As such, on a misconception that the institution has not obtained sanction

for the course referred to above, the application of the institution for transition to ITEP has been rejected. The two batches have already passed out pursuant to the recognition given to the courses and four batches of students are pursuing the course. The order under challenge says that even those students who have passed and students who ae now undergoing the courses will not be recognized and no degree will be conferred on them, virtually meaning that, whatever has been done in the last seven years, is not acceptable to the NCTE. This will have grave consequences on the lives of the students as they would have spent four precious years pursuing the courses on the understanding that recognition for the said courses have been given by NCTE. In the circumstances stated above, this Hon'ble Authority may be pleased to set aside the order dated 08.05.2024 passed by Regional Director, SRC, NCTE and direct the Regional Director, Southern Regional Committee, NCTE to grant transition to ITEP for the two courses referred above. Thanking you, yours faithfully, for NMKRV College for Women. We made an application to Southern Regional Centre, NCTE, Jnana Bharathi Campus, Bangalore University-560056, Bengaluru on requesting for grant of recognition to commence 4-year integrated course in B.A. B.Ed. and B.Sc., B.Ed. in the year 2016. This was approved by order F. No. SRO/NCTE/SRCAPP201630084/B.A. B.Ed./92798 dated 15.06.201 & F. No. SRO/NCTE/SRCAPP201630084/B.Sc. B.Ed./92796 dated 15.06.2017. Consequent to grant of approval, we commenced the course, and the first batch was started in the year 2018 and the next batch started in 2019. The students of both these batches have completed the course and passed the examination and have also been conferred degree by the Bangalore University. As such, on a misconception that the institution has not obtained sanction for the course referred to above, the application of the institution for transition to ITEP has been rejected. The two batches have already passed out pursuant to the recognition given to the courses and four batches of students are pursuing the course. The order under challenge says that even those students who have passed and students who are now undergoing the courses will not be recognized and no degree will be conferred on them, virtually meaning that, whatever has been done in the last seven years, is not acceptable to the NCTE. This will have grave consequences on the lives of the students as they would have spent four precious years pursuing the courses on the understanding that recognition for the said courses have been given by NCTE. In the circumstances stated above, this Hon'ble Authority may be pleased to set aside the order dated 08.05.2024 passed by Regional Director, SRC, NCTE and direct the Regional Director, Southern Regional Committee, NCTE to grant transition to ITEP for the two courses referred above. Thanking you, Yours faithfully, for NMKRV College for Women."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 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 had submitted an application to the Southern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 17.02.2024. The recognition of the institution for ITEP programme was refused by the SRC vide order dated 08.05.2024.

The instant matter placed in its 8th Meeting, 2024 held on 06.06.2024. The appellant institution along with its appeal report has submitted a copy of Recognition Order dt. 15.06.2017 for B.A. B.Ed. course with an annual intake of 50 students (One unit) from the academic session 2017-2018. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the SRC and the institution to submit their report/reply.

The instant matter again placed in its 9th Meeting, 2024 held on 15.07.2024. The Appeal Committed noted that the institution vide letter dated 05.07.2024 submitted its reply. The SRC vide letter dated 27.06.2024 also submitted its report. The Appeal Committee after perusing the documents and oral argument advanced during the hearing the Committee noted that a recognition order vide order No. F. No./RO/SRCAPP201630084/B.A. B.Ed./92798 dated 15.06.2017 was issued by the SRC NCTE. The Bangalore University has granted the affiliation to the institution and Govt. of Karnataka approved the same. However, the SRC vide letter dated 27.06.2024 informed that as per records, the recognition order submitted by the institution mentioned above is not traceable in the original file of the institution.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to remand back the case to SRC **with a direction to revisit the matter and verify the authenticity of the recognition order from the records of SRC, Affiliating body & State Govt. and if a recognition order has been issued**

by the SRC, NCTE to the Institution for running B.A. B.Ed. programme then appropriate action shall be taken by the SRC as per provisions of the NCTE Regulations. 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 revisit the matter and verify the authenticity of the recognition order from the records of SRC, Affiliating body & State Govt. and if a recognition order has been issued by the SRC, NCTE to the Institution for running B.A. B.Ed. programme then appropriate action shall be taken by the SRC as per provisions of the NCTE Regulations. 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, NMKRV College for Women, 45/1, 22nd Cross, 3rd Block, Jayanagar, Bangalore, Karnataka-560011**
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 of Government, Higher Education Department, Government of Karnataka, Room No. 645 A, 2nd Gate, 6th Floor, M.S. Building, Bengaluru – 1, Karnataka.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F.No. 89-27/E-337845/2024/Appeal/9th Meeting, 2024

APPLERC202414776

Jorhat Kendriya Mahavidyalaya, Plot No. 218, 269, 132, Village - Kenduguri, Street/Road - A.T. Road, Taluka - Dhekorgorah, District - Assam-785010. **APPELLANT**	**Vs**	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Sh. Pranjal Dutta, Coordinator (ITEP)**
Respondent by	**Regional Director, ERC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Jorhat Kendriya Mahavidyalaya, Plot No. 218, 269, 132, Village - Kenduguri, Street/Road - A.T. Road, Taluka - Dhekorgorah, District - Assam-785010** dated 22.05.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **NCTE/ERC/2324202205311248/ASSAM/2022/REJC/249** dated 10.04.2024 of the Eastern Regional Committee, withdrawing recognition for conducting ITEP Course on the grounds that "(i) Staff appointed for teaching of History is not qualified. (ii). Part time faculty for career guidance and counselling is not appointed."

II. SUBMISSIONS MADE BY APPELLANT: -

Sh. Pranjal Dutta, Coordinator (ITEP) from Jorhat Kendriya Mahavidyalaya, Plot No. 218, 269, 132, Village - Kenduguri, Street/Road - A.T. Road, Taluka - Dhekorgorah, District - Assam-785010 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "A teacher for the post of history with requisite qualification is appointed. (ii). A part time faculty for career guidance and counselling is appointed."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 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 ITEP Course for B.A. B.Ed. with an intake of 2 units (50 seats per unit) & for B.Sc. B.Ed. course with an intake of 2 units (50 seats per unit) students. The recognition of the institution for ITEP programme was withdrawn by the ERC vide order dated 10.04.2024.

The instant matter placed in its 8th Meeting, 2024 held on 06.06.2024. The Appeal Committee observed that the recognition of the institution was withdrawn by the ERC vide order dt. 10.04.2024 on the ground that the institution is not having appropriate teaching staff immediately after granting recognition. The Appeal Committee sought report from the ERC however, the same has not been received.

The instant matter again placed before the Appeal Committee in its 9th Meeting, 2024 held on 15.07.2024 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 10.04.2024: -

(i) A copy of faculty list (1+17) members approved by the Registrar, Dibrugarh University, Dibrugarh, Assam.
(ii) 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.

The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the impugned order dated 10.04.2024 and keeping in view, the Hon'ble High Court of Delhi Judgment **dated 23.02.2017** passed in **W.P(C). no. 3231/2016** titled **"Rambha College of Education V/s NCTE"** wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the impugned order dated 10.04.2024, required to be verified. **The ERC is required to verify the faculty list etc. submitted in appeal from the concerned affiliating University as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.**

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned order dated 10.04.2024 is set-aside as the Appellate Committee has decided to remand back the case to ERC for revisiting the matter.

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

IV. DECISION: -

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

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

उप सचिव (अपील)/ Deputy Secretary (Appeal)

Copy to:-

1. **The Principal, Jorhat Kendriya Mahavidyalaya, Plot No. 218, 269, 132, Village - Kenduguri, Street/Road - A.T. Road, Taluka - Dhekorgorah, District - Assam-785010.**
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, Higher Education Department, Assam Secretariat, Block 'C', 3rd floor, Secretariat Rd, Dispur, Guwahati, Assam-781006.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F.No. 89-25/E-336904/2024/Appeal/9th Meeting, 2024

APPLSRC202414775

Swamy Vivekananda College of Education, No. 199/1, Pillaiyarapatti, Vallam, Thanjavur, Tamilnadu-613403. **APPELLANT**	**Vs**	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. **RESPONDENT**

Representative of Appellant	**Dr. B. Gunaseelan, Principal**
Respondent by	**Regional Director, SRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश / ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Swamy Vivekananda College of Education, No. 199/1, Pillaiyarapatti, Vallam, Thanjavur, Tamilnadu-613403** dated 16.05.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRC/NCTE/APSO8506/B.Ed. /434thMtg./TN/2024/144718** dated 09.04.2024 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution failed to submit reply to the Final Show Cause Notice dated 23.10.2023."

II. SUBMISSIONS MADE BY APPELLANT: -

Dr. B. Gunaseelan, Principal of Swamy Vivekananda College of Education, No. 199/1, Pillaiyarapatti, Vallam, Thanjavur, Tamilnadu-613403 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "We have replied on 04.11.2023 through professional courier, acknowledgement copy is enclosed."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course with an annual intake of 100 students vide orders dated 28.05.2008. After promulgation of NCTE Regulations, 2014 vide notification dt. 28.11.2014, the "Swamy Vivekananda College of Education, No. 199/1, Pillaiyarapatti, Vallam, Thanjavur District, Tamilnadu-613403" offering B.Ed. course was informed vide email/public notice to submit a duly notarized affidavit as an acceptance of the NCTE Regulations, 2014 by the institution. After the receipt of affidavit dt. 23.01.2015 from the institution, a Revised Recognition Order dt. 30.04.2015 was issued to the institution for conducting B.Ed. programme of two years duration with an annual intake of 100 students (Two basic units

of 50 students each) from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the SRC vide order dated 09.04.2024.

The instant matter placed in its 8th Meeting, 2024 held on 06.06.2024. During the online hearing the appellant institution informed the Appeal Committee that they had submitted reply to Final Show Cause Notice dt. 23.10.2023 to the SRC on 04.11.2023. However, as per the Withdrawal order dated 09.04.2024, the reply to the Final Show Cause Notice was not submitted by the institution. Therefore, the Committee decided to seek clarification and submission of certain documents. The institution vide letter dated 05.07.2024 submitted its reply.

The instant matter again placed before the Appeal Committee in its 9th Meeting, 2024 held on 15.07.2024 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 09.04.2024: -

(i) A copy land & building documents alongwith an affidavit stating about status of land & building available with the institution for running teacher education programme.
(ii) A copy of faculty list (1+15) members approved by the Registrar, TNTEU, Tamilnadu alongwith documents related with proceedings, salary etc.
(iii) A copy of Form 'A' along with copies of FDRs towards Endowment Fund & Reserve Fund.

A copy of screenshot of website. The Appeal Committee noted that the institution has submitted documents with respect to points mentioned in the impugned order dated 09.04.2024 and keeping in view, the Hon'ble High Court of Delhi Judgment **dated 23.02.2017** passed in **W.P(C). no. 3231/2016** titled **"Rambha College of Education V/s NCTE"** wherein the Hon'ble Court has directed the Appeal Committee to take into consideration the subsequent documents of the Appellant while disposing of the Appeal has to be taken on record.

The Appeal Committee noted that the document submitted in appeal *viz a viz* the grounds mentioned in the impugned order dated 09.04.2024, required to be verified. **The**

SRC is required to verify the faculty list etc. submitted in appeal from the concerned affiliating University/authority as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly.

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

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

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

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

In view of the afore-mentioned extracts of the court orders, the impugned order dated 09.04.2024 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 etc. submitted in Appeal from the concerned affiliating University/authority.** 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 etc. submitted in Appeal from the concerned affiliating University/authority. 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, Swamy Vivekananda College of Education, No. 199/1, Pillaiyarapatti, Vallam, Thanjavur, Tamilnadu-613403.**
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 to Government, Higher Education Department, Govt. of Tamil Nadu, Fort St. George, Chennai, Tamilnadu-600009.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-23/E-334530/2024/Appeal/9th Meeting, 2024

APPLNRC202414769

The Institute of Professional Education and Technology, Khasra No.1013, 1014, 1016, Jansath Bypass Road, Saharanpur, Meerapur, Muzaffarnagar, Uttar Pradesh-251315. **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Sh. Vinay Kumar Sharma, Accountant**
Respondent by	**Regional Director, NRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **The Institute of Professional Education and Technology, Khasra No.1013, 1014, 1016, Jansath Bypass Road, Saharanpur, Meerapur, Muzaffarnagar, Uttar Pradesh-251315** dated 21.03.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.No.NRC/NCTE/UP-902-B.Ed./412th (Blended Mode) meeting / 2023 / 223695-223701** dated 11.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i) 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. (ii) The institution has not submitted certified Registered land documents issued by the Registering Authority. (iii) The institution has not submitted building plan approved by the Govt. Competent authority indicating the name of the institution, name of course, Khasara No./ Plot No. Total land area, total built up area and earmarked area for area for each course being run in the same premises. (iv) The institution has not submitted latest Non-Encumbrance Certificate issued by the Govt. Competent Authority. (v) The institution has not submitted latest building safety certificate issued by the Govt. Competent Authority. (vi) The institution has not submitted latest Fire Safety Certificate issued by the Govt. Competent Authority. (vii) The institution has not submitted Building Completion Certificate signed by the Govt. Competent Authority. (viii) The institution has not submitted latest faculty approval letter issued by the Affiliating body. (ix) The institution has submitted approval letter dated 25/11/2019 issued by C.C.S University, Meerut only faculty. (x) The institution has not appointed Principal/HoD, Fine Art and Physical Education lecturers. (xi) As per NCTE Regulations, 2014 for B.Ed. two units, one Principal/HoD and 15 lecturers required. (xii) The institution has not submitted proof of own website. (xiii) The institution has not submitted original FDRs towards Reserve Fund and Endowment Fund as per Regulations, 2014. (xiv) The institution has not adhered 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: -

Sh. Vinay Kumar Sharma, Accountant of The Institute of Professional Education and Technology, Khasra No.1013, 1014, 1016, Jansath Bypass Road, Saharanpur, Meerapur, Muzaffarnagar, Uttar Pradesh-251315 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "(i) We are having a permanent Recognition form NCTE for B.Ed. course vide order no. NRC/NCTE/F-3/UP-902/2004/9033-41 dated 12.10.2004. (ii) Institute not getting an information about affidavit (By mail / Speed Post / Telephone) so Institute was not submitted the require affidavit on the given timing. (iii) Again, institute not getting an information about matter (By mail/Speed Post/Telephone) so due to lack of the information institute was unable to do reply. (iv) First time, Institute getting above mention letter of NCTE on date 08.08.2023. Regarding the issue Letter Queries, Institute Submitted all the information and supporting documents in the given deadline (By mail 11.08.2023 Time-12:56 pm and same documents send by Speed post on date 11.08.2023) a copy of Letter is attached with this. (v) Institute submitted all the queries reply of NCTE with information & supporting documents to the NCTE. In given timing. (By mail 10.12.2023 Time – 02:05 pm and same documents send by Speed post on Date 12.12.2023) a copy of the letter is also attached with this. So, now we have request to you, on considering our documents release our Institute recognition order of B.Ed. course (Two years)."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July, 2024 perused the relevant records and the documents submitted by appellant institution in the Appeal Report, documents on record and oral arguments advanced during the meeting.

The Appeal Committee noted that the appellant institution was granted recognition for B.Ed. Course of one year duration with an annual intake of 100 students vide order dated 12.10.2004. 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, the revised recognition order for B.Ed. programme of 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 11.10.2023.

The instant matter was placed before the Appeal Committee in its 7th Meeting, 2024 held on 14.05.2024. The Appeal Committee observed that the appellant institution has not submitted the requisite documents with respect to the deficiencies pointed out in the Withdrawal Order. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to grant another (Second) opportunity to the appellant institution and the institution was required to submit the documents mentioned therein.

The instant matter placed in its 8th Meeting, 2024 held on 06.06.2024. The Appeal Committee noted that the institution has not submitted hard copy of the documents as sought by the Appeal Committee in its 7th Committee Meeting held on 14.05.2024. The Appeal Committee in order to consider the case of the appellant institution on merit, decided to ask the appellant institution to submit the following documents alongwith affidavits so that the decision of the Appeal Committee become authenticated: -

(i) The institution is required to submit a notarized/authenticated copy of all documents on Affidavit sought by the NRC in its Final Show Cause Notice dt 08.08.2023.

(ii) The institution is required to submit the 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.**

(iii) 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) 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. The Affidavit should be supported with the salary statements for three months duly verified by the bank officials.

The instant matter was again placed in its 9th Meeting, 2024 held on 15.07.2024. The Appeal Committee after perusing the documents submitted in Appeal and reply of the institution vide letter dt. 21.06.2024 received on 01.07.2024 the Appeal Committee noted the following deficiencies: -

(i) The institution has failed to submit a notarized/authenticated copy of all documents on Affidavit sought by the NRC in its Final Show Cause Notice dt 08.08.2023.

(ii) The institution has submitted the approval letter (photocopy) of the concerned University/Affiliating Body approving the faculty. However, the institution has not submitted faculty list as per the prescribed format of NCTE. Moreover, no relevant documents such as educational certificates/proceedings of the selection committee which prove that the institution has actually appointed the faculty as per NCTE norms submitted by the institution.

(iii) The institution failed to submit 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. The Affidavit should be 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 on the above grounds. The 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 11.10.2023 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 NRC was justified in withdrawing the recognition and decided that the instant appeal deserves to be rejected and therefore, the impugned withdrawal order dated 11.10.2023 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, The Institute of Professional Education and Technology, Khasra No.1013, 1014, 1016, Jansath Bypass Road, Saharanpur, Meerapur, Muzaffarnagar, Uttar Pradesh-251315.**
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 Principal Secretary, Department of Higher Education & Member Secretary, State Council of Higher Education, 6th Floor, 619, Indira Bhawan, Ashok Marg, Lucknow, Uttar Pradesh-226001.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-9/E-328242/2024 Appeal/9th Meeting, 2024

APPLNRC202414755

H.N.B. University, S.R.T. Campus, 1416K/1421K, Badshaithaul, Ranichauri Road, Dharsalgaoun, Tehri-Garhwal, Uttarakhand-249199 **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Prof. Seema Dhawan, Principal**
Respondent by	**Regional Director, NRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF REFUSAL

The appeal of **H.N.B. University, S.R.T. Campus, 1416K/1421K, Badshaithaul, Ranichauri Road, Dharsalgaoun, Tehri-Garhwal, Uttarakhand-249199** dated 24.01.2024 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F. No. NCTE/NRC/2425202305221642/UTTARAKHAND/2023/REJC/155** dated 17.07.2023 of the Northern Regional Committee, refusing recognition for conducting ITEP Course on the grounds that "The institution has not uploaded the relevant document/notification as a proof that it is an Institute of National Importance."

II. SUBMISSIONS MADE BY APPELLANT: -

Prof. Seema Dhawan, Principal of H.N.B. University, S.R.T. Campus, 1416K/1421K, Badshaithaul, Ranichauri Road, Dharsalgaoun, Tehri-Garhwal, Uttarakhand-249199 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "Initially the Department has shown its status of Nation Importance Institution. Which was done by ignorance, for that the Department uploaded certificate of Dr. Ambedkar Center of Excellence (DACE). After receiving the letter from NCTE, the Department sent apology letter by email to NCTE."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July, 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 had submitted an application to the Northern Regional Committee for grant of recognition for seeking permission for running the ITEP Course on 31.05.2023. The recognition of the institution for ITEP programme was refused by the NRC vide order dated 17.07.2023.

The instant matter placed in its 3rd Meeting, 2024 held on 08.02.2024 and 7th Meeting, 2024 held on 14.05.2024. The Appeal Committee noted that the appellant institution during the online Appeal Meeting has informed that initially the department has shown its status of National Importance Institution which was done by ignorance. The institution informed to the Appeal Committee that the process of the NACC Certificate is under process. The Appellant institution has requested to grant another opportunity in order to submit NAAC Certificate to the Appeal Committee on or before 30th June, 2024 as the same is under the process.

The instant matter again placed in its 9th Meeting, 2024 held on 15.07.2024 and institution submitted a proof of obtaining NAAC Grade A certificate. The Appeal Committee noted that institution prima facie succeeds in presenting that they do not have any deficiency as they have submitted the justification and the documents which need to be re-examined by the NRC as per NCTE Regulations, 2021.

Noting the submission and verbal arguments advanced during the hearing, the Appeal Committee decided to remand back the case to NRC, 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 of decision of Council (GB Meeting) and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The Appellant is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal.

III. **DECISION: -**

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC, 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 of decision of Council (GB Meeting) and as per the NCTE Regulation, 2021, guidelines and amendments issued from time to time. The NRC is at liberty to verify the submitted

documents from the concerned issuing authority. The Appellant is directed to forward to the NRC 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, H.N.B. University, S.R.T. Campus, 1416K/1421K, Badshaithaul, Ranichauri Road, Dharsalgaoun, Tehri-Garhwal, Uttarakhand-249199**
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 Education, Government of Uttarakhand, Siksha evam Pariksha Parishad (Education Board), Ramnagar, Nainital-244715.

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 - 18/07/2024

एनसीटीई अधिनियम की धारा 18 के तहत दायर अपील/
APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-13/E-329540/2024 Appeal/9th Meeting, 2024

APPLNRC202314746

Shiv Shakti College of Advanced Study in Education, Vill-Shamloh, Rajgarh, Sirmour, Himachal Pradesh-173201. **APPELLANT**	**Vs**	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. **RESPONDENT**

Representative of Appellant	**Mr. Mukesh Kumar, Secretary**
Respondent by	**Regional Director, NRC**
Date of Hearing	15.07.2024
Date of Pronouncement	18.07.2024

आदेश/ ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of **Shiv Shakti College of Advanced Study in Education, Vill-Shamloh, Rajgarh, Sirmour, Himachal Pradesh-173201** dated 18.12.2023 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.NCTE-Regl015/4100/2021-Regulation Section (HP)-NRC Computer No: 50380/HP-166/(223670-223677)** dated 09.10.2023 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "(i) The institution is not a multi-disciplinary institution as per clause 2(b) of NCTE Regulations 2014. (ii) The institution has shifted to the new building without prior approval from NCTE, which is a serious violation of clause 8(9) of NCTE Regulations 2014. (iii) The institution has not even submitted the application for shifting of premises. It has submitted the application for shifting on 25th July 2023 after issue of Final Show Cause Notice. (iv) The land documents and other documents related to land viz. Building Plan, BCC, CLU, NEC, Building Safety Certificate etc. are not acceptable as the same has been submitted for the new building, for which the approval has not been granted by NRC. (v) The institution has appointed only 12 staff as against requirement of 1+15 staff None of the staff is approved by the affiliating body. (vi) All the staff are appointed on consolidated salary."

II. SUBMISSIONS MADE BY APPELLANT: -

Mr. Mukesh Kumar, Secretary from Shiv Shakti College of Advanced Study in Education, Vill-Shamloh, Rajgarh, Sirmour, Himachal Pradesh-173201 appeared online to present the case of the appellant institution on 15.07.2024. In the appeal report, it is submitted that "(i) It is most respectfully submitted that the decision of Withdrawing the recognition of the institution is based on wrong and incorrect facts The institution has replied to all the show cause and submitted all the documents as directed by NRC time and again. It is most respectfully submitted that some of the points as mentioned in the Withdrawal order were never a part of Show Cause Notice as issued by the NRC, which clearly indicates the arbitrariness in the decision of the NRC. The institution herein once again submitting all the requisite documents for your kind perusal and necessary action.

The institution was granted recognition in the Year 2006 as per NCTE Regulations,2005. At the time of grant of recognition and even when subsequent regulations 2007 and 2009 were notified, there was no requirement of an institution to be composite in nature, which is prospective in nature. It is submitted that the institution had duly given its undertaking to migrate towards multi-disciplinary institution in future and the same is also mentioned in the New Education Policy, 2020 (NEP). All the institutions have been granted time till 2030 to have multi-disciplinary courses in line with NEP. Further, the shifting application is being preferred for the said very reason as the proposed premises are bigger and can accommodate more courses in future and it would be for the betterment of the students in vicinity. (ii) The said reason of withdrawing the recognition is based on wrong and incorrect facts. It is submitted that the institution had duly intimated the office of NRC about shifting its premises vide letter dt. 27.06.2011 (Copy attached). The institution did not receive any communication with respect to shifting of premises from the office NRC. It is worthwhile to mention that the institution had duly informed the University as well with regard to shifting of premises in the year 2012 and the university duly conducted inspection before granting affiliation to the institution. (Copy of the letter is attached for ready reference). Further, the SIT team had also conducted the inspection of the new premises only and found everything is order. Moreover, the visiting team appointed by NCTE also conducted inspection on 30.10.21 and gave its positive report of the premises only which clearly depicts that the institution had never concealed the factum of shifting to a new premises. It is matter of record that the institution duly mentioned the address of the new premises in the mandatory affidavit that was to be submitted at the issuance of Revised Recognition Orders. (Copy Enclosed). And thereafter based on the intimation sent by the institution, the Revised Order dt. 06.06.2015 was issued to the institution. (iii) The institution has submitted the application for shifting and draft of Rs. 1,50,000/- in order to comply with the NCTE rules and regulations, so that deficiency with regard to this not raised again as the institution had time and again followed all the Regulations and have been complying the Regulations without fail. It is pertinent to mention that in similar circumstances the office of NRC has allowed the application for shifting of Himachal College of Education (HP-67) in its 414th Meeting held on 06th & 7th October,2023. (Copy of the minutes attached). It is worthwhile to mention that the said institution has not even

paid the requisite fees for shifting of premises and the permission to shift has been granted. In view of the same out institution also prays for parity and requests to consider the case of the institution on similar grounds. (iv) It is submitted that the land documents and other documents as submitted are in order and pertain to the new shifted premises and undertakes to submit other documents as well if directed by your goodself. The deficiency as mentioned is only with respect to documents being submitted for the new premises and no other deficiency with respect to authenticity and respective competent authority has been found insufficient. (v) It is submitted that the institution is under the process of obtaining duly approved staff list from the university and the University has already appointed panel for the same and the said process shall be completed very soon. (Copy of the letter from the University appointing the panel for selection of Staff). (vi) It is submitted that the salary is being disbursed to the staff members without any fail, the affidavit in this regard has already been submitted. It is submitted that the neither the University nor the State Government has ever raised any objection with respect to paying a consolidated salary, and the same shall be rectified if the directions are received from the University or the State Government. The institution urges for reversing 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 Order as passed by the NRC be set aside and directions may be given to NRC for re-consideration of application for shifting in the interest of justice as the NRC has failed to appreciate the correct facts and documents already available on record and restore the recognition of the institution."

III. OUTCOME OF THE CASE

The Appeal Committee in its 9th Meeting, 2024 held online on 15th July 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 07.08.2006. After promulgation of NCTE Regulations, 2014 a revised provisional recognition order was issued to the institution vide order dated 06.06.2015 for two years B.Ed. course with an

annual intake of 100 students for two basic units of 50 students each from the academic session 2015-2016. The recognition of the institution for B.Ed. programme was withdrawn by the NRC vide order dated 09.10.2023.

The instant matter placed before the Appeal Committee in its 4th Meeting, 2024 held on 23.02.2024, 5th Meeting, 2024 held on 27.03.2024. During the 6th Meeting, 2024 held on 10.04.2024, the Appeal Committee noted that the Appellant Institution did not appear online to present its case before the Appeal Committee on 10.04.2024 and the Appellant Institution vide e-mail dated 10.04.2024 has requested the Appeal Committee to grant another opportunity in order to submit approved latest faculty list around June month end after model code of conduct is revoked.

In view of submission made by the Appellant Institution and natural justice, the Appeal Committee decided to defer the matter of appellant institution with the direction to submit the aforesaid documents on or before 1st July 2024 to the Appeal Committee.

The instant matter was again placed before the Appeal Committee in its 9th Meeting, 2024 held on 15.07.2024. 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 09.10.2023: -

(i) A copy of faculty list (1+15) members dt. 02.07.2024 approved by the Registrar, Himachal Pradesh University, Shimla, Himachal.
(ii) A copy of land & building documents alongwith detailed explanation on the points raised by the NRC regarding shifting of the premiss of the institution.

The Committee observed that the NRC in its withdrawal of recognition order dated 09/10/2023 had pointed out that the institution has not taken prior approval before shifting to the new premises. Moreover, the institution vide its Appeal Memorandum informed that ***"the institution has shifted to its premises in the year 2012, the University duly conducted inspection before granting affiliation to the institution. Further, the SIT team had also conducted the inspection of the new premises only***

and found everything in order. Moreover, the visiting team appointed by NCTE also conducted inspection on 30.10.2021 and gave its positive report of the premises only which clearly depict that the institution had never concealed the factum of shifting to a new premise. It is matter of record that the institution duly mentioned the address of the new premises in the mandatory affidavit that was to be submitted at the issuance of Revised Recognition Order."

The Appeal Committee noted that the institution has submitted detailed explanation alongwith documents with respect to points mentioned in the impugned order dated 09.10.2023. The Committee decides to remand back the matter to NRC, NCTE with the direction to conduct an inspection of the institution to verify the shifting of the premises as per provisions of the NCTE Regulations, 2014 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 09.10.2023, required to be verified by the Visiting Team for shifting of premises of the institution. **The NRC is required to conduct the inspection of the institution for shifting of premises 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 09.10.2023 is set-aside as the Appellate Committee has decided to remand back the case to NRC for revisiting the matter.

Noting the submission and verbal arguments advanced during the hearing, Appeal Committee decided to set aside the implunged order dated 09.10.2023 and remand back the case to NRC with a direction to **conduct the inspection of the institution for shifting of premises as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time, and decision taken accordingly.** The Appellant institution is directed to forward to the NRC the documents submitted in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

IV. DECISION: -

After perusal of the Appeal Report, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to set aside the implunged order dated 09.10.2023 and remand back the case to NRC with a direction to conduct the inspection of the institution for shifting of premises as per provisions of the NCTE Regulations, 2014, guidelines and amendments issued from time to time and decision taken accordingly. The Appellant institution is directed to forward to the NRC the documents submitted

in appeal within 15 days from the receipt of order of the Appeal and after receipt of the same the NRC to take further necessary action as per the NCTE Regulation, 2014, guidelines and amendments issued from time to time as per direction given herein above.

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

उप सचिव (अपील)/ Deputy Secretary (Appeal)

Copy to: -

1. **The Principal, Shiv Shakti College of Advanced Study in Education, Vill-Shamloh, Rajgarh, Sirmour, Himachal Pradesh-173201.**
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 Education, Government of Himachal Pradesh, Shimla, Himachal Pradesh – 171002.