



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-170/E-186051/2021 Appeal/17th Meeting, 2021
Appeal No. APPLWRC202114040

Maharaja College, Chandesari, 22, 25, 26/1/1, 26/1/2, M.L. Nagar Sub Post Office, Dewas Road, Ujjain, Madhya Pradesh – 456010 <u>(APPELLANT)</u>	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075 <u>(RESPONDENT)</u>
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Representative of Appellant	Sh. Shantilal Jain, Chief Executive Officer
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Maharaja College, Chandesari, 22, 25, 26/1/1, 26/1/2, M.L. Nagar Sub Post Office, Dewas Road, Ujjain, Madhya Pradesh dated 21/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APP-201660068/8412/B.A.B.Ed./336th/MP/2021/215720 dated 15.04.2021 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that "The institution is running 2 units of the D.El.Ed. course, 2 units of the B.Ed. course and 1 unit of M.Ed. course, for which the requirement of built up area is 4500 sq. mtrs. The institution has applied for 1 unit of B.A.B.Ed. and 1 unit of B.Sc. B.Ed. course for which the required built up area is 1000 sq. mtrs. (500+500). The institution has also applied for 1 unit of the B.Ed. M.Ed. integrated course and one additional unit of D.El.Ed. course for

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which the additional requirement of built up area is 1000 sq. mtrs. (500+500). For all the above course, the institution requires 6500 sq. mtrs. of built up area but the institution has submitted Building Plan and Building Completion Certificate indicating the total built up area 5674 sq. mtrs. which is less than the requirement. In view of the above, the Committee decided to refuse the application of the institution u/s 14 submitted for B.Sc. B.Ed." "The original file of the institution alongwith other related documents were carefully considered and examined by WRC in the light of NCTE Act, 1993, Regulations and Guidelines issued by NCTE from time to time and the following observation was made that:- The Committee perused the matter of the institution for re-consideration of the decision made by the WRC in its 329th meeting held don 17th – 19th January 2021. The Committee decided that the earlier decision shall remain in-effective. Hence, the application submitted by the institution for B.A. B.Ed. shall remain rejected /refused."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Shantilal Jain, Chief Executive Officer, Maharaja College, Chandesari, 22, 25, 26/1/1, 26/1/2, M.L. Nagar Sub Post Office, Dewas Road, Ujjain, Madhya Pradesh presented online the case of the appellant institution on 23/07/2021. In the appeal and during online presentation it was submitted that "Decision under reference was taken in 329th meeting of WRC, held on 17th – 19th Feb.2021. In the 329th Meeting. The decision taken was of B.Sc.-B.Ed. which was already rejected by NCTE in 2018. Hon'ble High Court also did not give any direction for B.Sc.-B.Ed. integrated course. The NCTE has erred here. In this meeting, the only course should have been considered is 'B.A. B.Ed. 4 Years Integrated Course'. (See Point No. 7 of refusal letter). Both B.Sc. B.Ed. 4 Years Integrated Course and M.Ed. Additional Course were already refused / rejected / withdrawn in 2017 & 2018 (See Point No. 7 of refusal letter). It is accepted by NCTE that our institute possesses 5674 sq. mtr. built-up area which is over and above the requirement of all existing courses plus B.A. B.Ed. 4 Year Integrated Course (the applied one). As per assessment of NCTE, Built-up area requirement is Existing Courses: 5000 Sq. Mtr. B.A. B.Ed. 500 Sq. Mtr. Total: 5500 Sq. Mtr. Available with the institute: 5674 Sq. Mtr. If appeal is accepted for B.A.-B.Ed. 4 Years Integrated Course, then also, there will be a surplus of 174 Sq. Mtr. Our appeal is against the refusal of permission of B.A. B.Ed.

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4 Years Integrated Course as we fulfil all criterion including availability of built-up area u/s 14 (3) (b) i.e. 5500 sq. mtr. for all existing courses and the applied course of B.A. B.Ed."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and noted that Western Regional Committee in pursuance of order dated 13/01/2021 of the Hon'ble High Court of Delhi in W.P. (c) 454/2021 revisited the matter as considered against Serial No. 22 of the minutes of 329th Meeting held on 17th - 19th February, 2021.

Appeal Committee noted that appellant institution is already conducting following courses:-

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|-------------|---------|
| 1. D.El.Ed. | 2 units |
| 2. B.Ed. | 2 units |
| 3. M.Ed. | 1 units |

The requirement of built up area as assessed by WRC for the above courses is 4500 sq. meters.

2. Appeal Committee noted that appellant institution by its application dated 30/05/2016 sought recognition for conducting 4 year integrated course i.e. B.A. B.Ed. and B.Sc. B.Ed. with one unit each of the two components of the course. Appeal Committee noted that Hon'ble High Court of Delhi in its order dated 01/11/2019 in W.P. (c) No. 11559/2019 had assessed the requirement of built-up area vis a vis availability of area with the appellant institution. Appeal Committee noted that appellant institution during the period in which its application was being processed had informed WRC that its seeks recognition for B.A. B.Ed. course only and other programmes applied for such as B.Sc. B.Ed. and M.Ed. (Addl.) already stand refused.

3. Appeal Committee noted the submission made by appellant wherein it has been requested that recognition for B.A. B.Ed. programme only for which it has adequate built up area, be granted leaving aside the recognition for other programmes applied for and already refused by the Regional Committee.

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4. Appeal Committee noting that appellant institution has built up area of 5674 sq. meters which can easily accommodate the B.A. B.Ed. programme intake as per NCTE Regulation, 2014 decided to remand back the case to WRC for revisiting the matter in the context of application for B.A. B.Ed. programme.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to remand back the case of Maharaja College, Chandesari, 22, 25, 26/1/1, 26/1/2, M.L. Nagar Sub Post Office, Dewas Road, Ujjain, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Chief Executive Officer, Maharaja College, Chandesari, 22, 25, 26/1/1, 26/1/2, M.L. Nagar Sub Post Office, Dewas Road, Ujjain, Madhya Pradesh – 456010 .
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-178/E-188821/2021 Appeal/17th Meeting, 2021
Appeal No. APPLNRC202113987

V.B.S. Mahila Mahavidyalaya, Village – Allipur, 234, 236, Dangauli, Mohammadabad Gohna, Mau, Uttar Pradesh – 275306	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Manoj Prajapati, Head Clerk
Respondent by	Regional Director, NRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF REFUSAL

The appeal of V.B.S. Mahila Mahavidyalaya, Village – Allipur, 234, 236, Dangauli, Mohammadabad Gohna, Mau, Uttar Pradesh dated 20/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-7399/243rd Meeting/2015/125627 dated 14.10.2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “the institution has not submitted compliance / documents as required in Letter to Intent issued under clause 7(13) of NCTE Regulation 2014 and show cause notice issued in this regard.”

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II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Manoj Prajapati, Head Clerk, V.B.S. Mahila Mahavidyalaya, Village – Allipur, 234, 236, Dangauli, Mohammadabad Gohna, Mau, Uttar Pradesh presented online the case of the appellant institution on 23/07/2021. In the appeal and during online presentation it was submitted that "Appellant is filing the instant Appeal for setting aside the order dated 14.10.2015 passed by the NRC and seeking direction for remanding back the application to the NRC for processing the application of the petitioner for next relevant academic year. It is relevant to state that the instant appeal is being preferred as per the directions of Hon'ble High Court passed vide Order dated 15.03.2021 passed in Writ Petition Civil No 5508 of 2020, where by the Hon'ble High Court directed as under: "1. As the impugned order of the Northern Regional Committee ("NRC") of the National Council for Teacher Education ("NCTE") dated 14.10.2015 is an appealable order, Mr. Mayank Manish, learned counsel for the petitioner, seeks leave to withdraw this petition with liberty to approach the Appellate Committee against the said order. 2. Mr. Manish points out that the petitioner's application for recognition has been rejected inter alia on the ground that the faculty approval list was not submitted pursuant to the letter of intent dated 10.04.2015. The petitioner has since received the approval of the faculty list. According to Mr. Manish, the Appellate Committee would be duty-bound to consider the approval placed on record, even if it was obtained subsequent to the passing of the impugned order. He cites the order of this Court in Asha Devi Mahavidyalaya & Anr. vs. National Council for Teacher Education and Anr. [W.P. (C) 9744/2020, decided on 03.12.2020] 3. In view of these submissions, petitioner is at liberty to file its appeal under Section 18 of the National Council of Teacher Education Act, 1993, within two weeks. The matter be considered by the Appellate Committee in accordance with law. The orders and judgments of this Court, including inter alia the order in Asha Devi (supra) will be placed before the Appellate Committee by the petitioners for its consideration. As the petition has been pending in this Court for some time, the Appellate Committee of NCTE is directed to consider the appeal on merits, rather than dispose it of on the ground of limitation, subject to the payment of costs of Rs. 10,000/- by the petitioner to be deposited with the Delhi High Court Advocates Welfare Trust." That it is submitted that the Hon'ble Court has directed the NCTE to dispose the appeal in terms of the orders and judgments

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of this Court, including inter alia the order in Asha Devi to be placed before the Appellate Committee by the petitioners for its consideration, and also directed NCTE to consider the appeal on merits, rather than dispose it of on the ground of limitation.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned refusal order dated 14/10/2015 issued by Northern Regional Committee (NRC) was on the grounds that appellant institution had not submitted compliance as required by the Letter of Intent (L.O.I.) dated 10/04/2015 and the Show Cause Notice (SCN) dated 14/08/2015 was also not replied to.

2. Appeal Committee noted that appellant institution was required to submit compliance of L.O.I. within two months and reply to Show Cause Notice was required to be submitted within 30 days of the issue of notice. Further the appellant neither apprised the Regional Committee of any difficulty in submitting compliance nor did seek extension of time for submitting compliance.

3. Appeal Committee noted that Letter of Intent dated 10/04/2015 stipulates and seeks compliance on 9 conditions which inter-alia include the appointment of faculty with the approval of affiliating university. Appellant with its appeal memoranda dated 20.03.2021 has enclosed a list of faculty approved by affiliating University on 04/01/2018. This list is more than 3 years old at this stage. All the selected faculty may not be available for appointment after three years of having been selected. Appellant institution has not submitted compliance on the other requirements mentioned in the L.O.I.

4. Appeal Committee does not find any merit to condone delay of more than 5 years in submitting compliance of Letter of Intent. Moreover, the compliance is incomplete Appellant, as on the date of appeal, could not submit a complete and consolidated

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compliance to L.O.I. with reasons for delay. Appeal Committee decided to confirm the impugned refusal order dated 14/10/2015.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Manager, V.B.S. Mahila Mahavidyalaya, Village – Allipur, 234, 236, Dangauli, Mohammadabad Gohna, Mau, Uttar Pradesh – 275306.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-179/E-188773/2021 Appeal/17th Meeting, 2021
Appeal No. APPLWRC202114052

Pooja Women Teacher Training College, Village – Dhakawala, 102, Post Bobas, Tehsil – Phulera, Bobas Railway Station Road, Jaipur, Rajasthan – 303338	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Goverdhan Yadav, Secretary
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Pooja Women Teacher Training College, Village – Dhakawala, 102, Post Bobas, Tehsil – Phulera, Bobas Railway Station Road, Jaipur, Rajasthan dated 18/06/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-13026/ 289th/Meeting/198247 dated 01.11.2018 of the Western Regional Committee, refusing recognition for conducting B.A. B.Ed./B.Sc. B.Ed. Course on the grounds that “The institution has not submitted the reply of SCN dt. 12.02.2018.”

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Goverdhan Yadav, Secretary, Pooja Women Teacher Training College, Village – Dhakawala, 102, Post Bobas, Tehsil – Phulera, Bobas Railway Station Road, Jaipur.

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Rajasthan presented online the case of the appellant institution on 23/07/2021. In the appeal and during personal presentation it was submitted that "Could not response orders due to lack of sufficient financial amount problem with the Pooja Shikshan Sansthan."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution has filed, W.Ps (c) No. 4897/2021 and No. 4898/2021 in the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court by its order dated 20/04/2021 dismissed the petitions as withdrawn with liberty to approach the Appellate Committee of NCTE under Section 18 of the Act.

2. Appeal Committee noted that Hon'ble High Court in its order dated 20/04/2021 has not made any observation to the condonation of delay and merits of the case.

3. Appeal Committee noted that Letter of Intent (L.O.I.) dated 10/05/2016 was issued to appellant institution seeking compliance within two months. Appellant institution did not submit compliance and resultantly a Show Cause Notice (SCN) dated 12/02/2018 was issued seeking written representation within 30 days. Appellant did not submit reply to Show Cause Notice. Appeal Committee noted that appellant institution never did seek extension of time to submit compliance to L.O.I. or submit reply to S.C.N. The appellant has however, stated in its appeal memoranda that due to lack of sufficient financial amount, L.O.I. could not be responded to.

4. Appeal Committee noted that it is more than 5 years now that a Letter of Intent (L.O.I.) was issued and it is more than 3 years that a Show Cause Notice was issued. Appellant during the course of appeal hearing was not prepared with the compliances to L.O.I. Appeal Committee, therefore, decided that impugned refusal order 01/11/2018 deserves to be confirmed both on grounds of merit and limitation i.e. not condonation of the delay in preferring appeal.

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IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Pooja Women Teacher Training College, Village – Dhakawala, 102, Post Bobas, Tehsil – Phulera, Bobas Railway Station Road, Jaipur, Rajasthan – 303338.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-182/E-189009/2021 Appeal/17th Meeting, 2021
Appeal No. APPLNRC202013733

Maa Gayatri Arya Kanya Mahavidyalaya, Jalesar, 3295, New Tehsil Road, Jalesar, Etah, Uttar Pradesh – 207302	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Krishan Gopal, President
Respondent by	Regional Director, NRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Maa Gayatri Arya Kanya Mahavidyalaya, Jalesar, 3295, New Tehsil Road, Jalesar, Etah, Uttar Pradesh dated 22/09/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-1122/315th Meeting/2020/209553 dated 21.09.2020 of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Institution has not submitted approved faculty list in original with the details of their academic qualifications/experience etc. The institution has not submitted the details of salary disbursed to the faculty along with six months Bank

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statement along with account number of each faculty members. The reply of SCN dated 02.07.2019 submitted by the institution is not satisfactory as it does not address the above deficiencies and the institution is being given final opportunity before withdrawal of recognition. Further, the website link showing the faculty details is not submitted by the institution."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Krishan Gopal, President, Maa Gayatri Arya Kanya Mahavidyalaya, Jalesar, 3295, New Tehsil Road, Jalesar, Etah, Uttar Pradesh presented online the case of the appellant institution on 23/07/2021. In the appeal and during personal presentation it was submitted that "We have been submitting replies to all the communications as and when asked by NCTE. In respect of show cause notice issued by the NRC-NCTE we have submitted reply on 02.07.2019 and thereafter again on 22.01.2020 by speed post along with bank statement and account number of each faculty of our institution. We have also submitted website link showing the faculty details as were uploaded on the institution website and readily available for browsing. Copy of the downloaded printout is attached.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution is recognised to conduct B.Ed. programme with an intake of 4 units (200 seats). Appeal Committee noted that appellant with its appeal memoranda submitted copies of letters dated 22/04/2016, 23/10/2018 conveying approval of 7 and 6 faculty respectively. Further there are 2 letters dated 29/12/2020 which convey approval of 14 faculty to be appointed. The number of faculty is adequate for 2 units only. The list of faculty for academic year 2020 is also approved by Registrar, Dr. B.R.A. University, Agra. Appellant with its appeal memoranda has also enclosed statements issued by Bank as evidence of having reimbursed the salary.

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2. 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."

3. 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."

4. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 21/09/2020. Therefore, the institution is entitled to the benefits of recognition for 2 units (100 seats) until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to NRC for revisiting the matter after the appellant institution submits the list of faculty approved by affiliating University, bank statements of salary, printout of website pages. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 21/09/2020, therefore, the institution is entitled to the benefits of recognition for 2 units (100 seats) until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Maa Gayatri Arya Kanya Mahavidyalaya,

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Jalesar, 3295, New Tehsil Road, Jalesar, Etah, Uttar Pradesh to the NRC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The President, Maa Gayatri Arya Kanya Mahavidyalaya, Jalesar, 3295, New Tehsil Road, Jalesar, Etah, Uttar Pradesh – 207302.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-188/E-189402/2021 Appeal/17th Meeting, 2021
Appeal No. APPLSRC202114017

Pragathi College of Education, Ardhannapalem, 34/3, Baligattam, Vizianagara Road, Kothavalaa, Vizianagaram, Andhra Pradesh – 535183 (APPELLANT)	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. (RESPONDENT)
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Representative of Appellant	Sh. Madhusudanam, Representative
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Pragathi College of Education, Ardhananapalem, 34/3, Baligattam, Vizianagara Road, Kothavalaa, Vizianagaram, Andhra Pradesh dated 26/04/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP1709, SRCAPP3384/D.El.Ed., D.El.Ed.-AI/AP/2021/124259-4266 dated 08.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting D.El.Ed. Course on the grounds that "Institution has not submitted any reply in response to the Show Cause Notice issued to the institution on 29.09.2020. Further, the Committee also perused the letter received from the Director, School Education, Govt. of Andhra Pradesh with a request to withdraw the recognition to this institution as they committed irregularities in the process of admission."

[Signature]

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Madhusudanam, Representative, Pragathi College of Education, Ardhanapalem, 34/3, Baligattam, Vizianagara Road, Kothavalaa, Vizianagaram, Andhra Pradesh presented online the case of the appellant institution on 23/07/2021. In the appeal and during online presentation it was submitted that "the Regional Director, SRC, NCTE has refused the application of our institution seeking grant of recognition for conducting the D.El.Ed. Courses on the basis of non-reply to the show cause notice, which was never issued to our institution. It is submitted that the name of our institution was not mentioned in the said list."

III. OUTCOME OF THE CASE:-

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that submission made by appellant with regard to non receipt of Show Cause Notice (SCN) dated 29/09/2020. On perusal of the regulatory file, Appeal Committee noted that a Show Cause Notice dated 29/09/2020 was issued collectively to 126 institutions and Pragati D.Ed. College whose name appears at Serial No. 23 of the list is located at Samalakota, East Godawari Dist., Andhra Pradesh, whereas the appellant institution is located at Kothavalasa Taluk, Vizianagram Dist., Andhra Pradesh.

2. Appellant further submitted that the name of appellant institution does not feature in the list of institutions for which recognition has been recommended to be withdrawn by the State Government. Appeal Committee on perusal of regulatory file could not locate copy of any such list placed on the regulatory file.

3. 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."

4. 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"

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while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition until a fresh withdrawal order is passed."

5. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee considered the facts stated by appellant in its appeal vis a vis records available on regulatory file. Considering that the reasons of withdrawal are unsubstantiated, Appeal Committee decided to set aside the impugned order of withdrawal dated 08/03/2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 08.03.2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Pragathi College of Education, Ardhanapalem, 34/3, Baligattam, Vizianagara Road, Kothavalaa, Vizianagaram, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Pragathi College of Education, Ardhanapalem, 34/3, Baligattam, Vizianagara Road, Kothavalaa, Vizianagaram, Andhra Pradesh – 535183 .
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Amaravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-190/E-189874/2021 Appeal/17th Meeting, 2021
 Appeal No. APPLSRC202114002

Saba College of Education, Plot No. 103/15, Hyderabad City, Bandlaguda, Bandlaguda Mandal Village and Taluk Telangana, Hyderabad – 500005 <u>(APPELLANT)</u>	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>(RESPONDENT)</u>
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Representative of Appellant	Mr. Khaja Hassan, Secretary
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

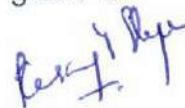
I. GROUND OF REFUSAL

The appeal of Saba College of Education, Plot No. 103/15, Hyderabad City, Bandlaguda, Bandlaguda Mandal Village and Taluk Telangana, Hyderabad dated 30/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/SRCAPP3584/B.Ed./AP/2016-17/91334 dated 24.01.2017 of the Southern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that “the LOI for B.Ed. (2 units) was issued on 11.02.2016. They have still not filed a reply in spite of further extensions of time given. We cannot wait indefinitely. Reject the application. Return FDRs, if any. Close the file.”

Per I. K. S.

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Khaja Hassan, Secretary, Saba College of Education, Plot No. 103/15, Hyderabad City, Bandlaguda, Bandlaguda Mandal Village and Taluk Telangana, Hyderabad presented online the case of the appellant institution on 23/07/2021. In the appeal and during personal presentation it was submitted that "The appeal could not be filed timely because of the circumstance beyond the control of the management. The SRC was grateful to grant time till 31.12.2016, for filing of reply to LOI. However the institution could not do so because of the following reasons:- (i) Due to announcement of demonetisation on 08.11.2016, over the country. (ii) The institution was not able to arrange funds for joint FDR's of Rs. 12 lacs which was mandatory under norms and regulations of NCTE. The institution requested for further time vide letter dt. 24.12.2016, however the same was not considered. Thereafter the secretary of the society namely Hasan Khwaja, who was handling all the affairs with regard recognition of the institution was held up due ill health of his mother who suffered from many old age illnesses. The mother of the Secretary passed away on 18.07.17. Copy of the Death Certificate is placed on record. Soon after the death of the Mother of the Secretary the health of the Father of Secretary started deuterated. The father of the Secretary also passed on 07.03.2018. Copy of the Death Certificate is placed on record. Due to the death of both his parents the Secretary was under tremendous emotional pressure and was not able to focus on work properly. 5. The institution thereafter since 2019 made many representations before SRC for consideration of its case. Due nation-wide lockdown called by the Govt. of India the institution could not pursue its case. The institution thereafter filed a Writ Petition No. 472/2021 before the High Court Delhi, in which vide order dt. 13.01.21, liberty was granted to the institution to approach the Appellate Committee. The reason for delay was beyond the control of the management hence a lenient view may be taken and the application of the institution may be considered for recognition. The institution has all the requisite documents for filing the reply of LOI. The institution shall submit the same. It is humbly requested that the application of the institution may be considered for grant of recognition."



III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant institution filed a W.P. (C) 472/2021 & C.M. Appl. 1221/2021 in the High Court of Delhi at New Delhi and the Hon'ble High Court by its order dated 13/01/2021 directed as under:-

"The petition is dismissed as withdrawn with liberty as aforesaid. It is made clear that in the even the petitioner files an appeal against the impugned order, it will be for the Appellate Committee to adjudicate the issue, both on the question of limitation and merits. This court has not expressed any view on the same."

2. Appeal Committee noted that merits of the can only be discussed when the question of limitation is decided in favour of the appellant. Appeal Committee noted the reasons given by appellant which caused delay in preferring appeal. The impugned refusal order was issued on 24/01/2017 and the order in its last para indicated the provisions for making appeal within 60 days from the date of issue of the order. The two death certificates enclosed by appellant with its appeal memoranda mention the date of death of the parents of appellant as 18/07/2017 and 07/03/2018 whereas the time allowed to the appellant for preferring appeal was for 60 days after 24/01/2017. Further the appellant, as is seen from the regulatory file, has failed to abide by the time limits given in the Letter of Intent dated 11/02/2016. The time limit for submitting compliance to the Letter of Intent was extended by letter dated 07/10/2016. Appellant has attributed the delay to the demonetisation, deaths in family and Covid pandemic which incidents are spread over to a period of five years. The present appeal has been filed by appellant after more than 5 months of the order dated 13/01/2021 of Hon'ble Court.

3. Referring to the merits of the case, appellant did not submit compliance of Letter of Intent even belatedly and appellate authority was not even apprised of the present status of compliance. Appeal Committee, finally, does not find any merit in the reasons given for delay of more than four years and four months and also no evidence is provided

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by appellant that it has fulfilled the conditions which were required to be complied in response to the Letter of Intent dated 11/12/2016. Appeal Committee decided not to condone the delay in preferring appeal which is also devoid of any merit.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during online presentation of the appeal, Appeal Committee concluded not to condone the delay in preferring appeal which is also devoid of any merit.

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


(Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Secretary, Saba College of Education, Plot No. 103/15, Hyderabad City, Bandlaguda, Bandlaguda Mandal Village and Taluk Telangana, Hyderabad - 500005.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Telangana, Hyderabad.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-81/E-178173/2021 Appeal/17th Meeting, 2021
Appeal No. APPLSRC202113772

Dr. Rajabather Tagore Women Teachers Training College, Kilgudalore Village, Melpettai Post, Nolambur Road, Tindivanam, Villupuram, Tamil Nadu <u>(APPELLANT)</u>	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <u>(RESPONDENT)</u>
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Representative of Appellant	Sh. K. Giri, Administrative Officer,
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dr. Rajabather Tagore Women Teachers Training College, Kilgudalore Village, Melpettai Post, Nolambur Road, Tindivanam, Villupuram, Tamil Nadu dated 17/10/2020 is against the Order No. SRO/NCTE/APSO4272/TN/B.Ed./2020/118486 dated 21.09.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Certified copy of land documents issued by the competent authority along with notarized English translation has not been submitted. The institution has not submitted notarized copy of Land Use Certificate. BCC has not been submitted in proper format and also the same is in regional language. NEC is in Regional language. The notarized English translation has not been submitted. The institution has submitted staff list of 1+6 against the requirement of 1+15. The institution

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has also not appointed faculty for Fine Arts, Performing Arts. 'Form A' of Bank regarding with FDRs towards Endowment Fund and Reserve Fund have not been submitted. The Building Plan submitted by the institute shows the size of Multipurpose Hall as 1100 sq. ft. which is less than the requirement of NCTE Regulations."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Devendranath Tagore, Managing Director and Sh. K. Giri, Administrative Officer, Dr.Rajabather Tagore Women Teachers Training College, Kilgudalore Village, Melpettai Post, Nolambur Road, Tindivanam, Villupuram, Tamil Nadu presented the case of the appellant institution on 31/03/2021. In the appeal and during personal presentation it was submitted that "We have submitted our registered land document duly notarized by the authority. Now we are again submitting the same land document notarized by advocate for your kind reference. We have submitted a notarized copy of land use certificate in our last explanation letter but here we are again resubmitting a copy of land use certificate authorized by notary public. We wish to inform that we have obtained a building completion certificate from a Government approved engineer and the same has been submitted for your good office which is in English language only. NEC has been submitted which has been authorized by a notary public in English. We have given a letter to NCTE stating that now we appoint staff for one basic unit. i.e. as per norms 1+8 only. 25 out of 50 students are admitted during the past 6 years in B.Ed. one unit. Qualified staff for fine arts and performing arts as per NCTE norms, we have published advertisement in newspapers no suitable candidate with necessary qualification was available. However, we have appointed one Mrs. Subashini B.A., Dip. in Tailoring and now she is working. As soon as we get another qualified fine arts teacher, we will remove this craft teacher and appoint. We are submitting a copy of FDRs towards endowment fund and reserve fund for your kind perusal. We have only one unit in B.Ed. course and there are only 50 students studying in 1st and 2nd year due to conversion of 1 year course into 2 years degree for the past 6 years only less than 50 students are enrolled and studying, hence we may be permitted to construct the remaining sq. feet area. Sufficient place is available for 1 unit. We have not availed the sanction of 2nd unit special prayer so finally we pray your good office to accept our prayer and cancel the order which has

Prof. Y. R. R.

been issued on 21/09/2020 and allow us to continue our institution run regularly by issuing a new order."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and documents submitted by appellant institution and noted that appellant institution is conducting B.Ed. programme with an annual intake of 100 seats since 2005-06. Appeal Committee noted that after issue of the revised recognition order dated 12/05/2015, two Show Cause Notice (SCNs) dated 16/06/2017 and 04/08/2020 were issued to appellant institution. Appellant institution, it is observed that, had applied for shifting by paying requisite shifting of Rs. 40,000/- applicable at that time. Appellant has also submitted a detailed reply dated 20/08/2020 to the Show Cause Notice (S.C.N.). The proposal of appellant institution to shift premises was discussed in 328th Meeting of SRC held on 31/07/2017 but the shifting proposal could not reach the final stage of approval.

2. Appeal Committee noted that appellant institution made submission during online appeal presentation that it will be contented with an intake of 50 seats in B.Ed. programme and it has adequate faculty and infrastructure to conduct the programme with one unit (50 seats). Appeal Committee noted from the copy of Building Completion Certificate (B.C.C.) submitted with appeal memoranda that the built-up area available, as per Building Completion Certificate is 1373 sq. mts. which is not adequate for conducting the course even with a reduced intake of 50 seats.

3. Clause 8 (11) of NCTE Regulation, 2014 stipulates that whenever there are changes in the norms and standards for a programme in teacher education, the institution shall comply with the requirements laid down in the revised norms and standards immediately. The Building Completion Certificate submitted by appellant indicates built-up area of 1373 sq. meters which is much less than the required built up area. Appeal Committee noted that the appellant institution is not in possession of required built up area as per revised norms even for conducting the programme for one unit. Appeal

Deep Singh

Committee, therefore, decided to confirm the impugned order of withdrawal dated 21/09/2020.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Founder Cum Chairman, Dr. Rajabather Tagore Women Teachers Training College, Kilgudalore Village, 12/1, Melpettai Post, Nolambur Road, Tindivanam, Villupuram, Tamil Nadu – 604307.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-82/E-178200/2021 Appeal/17th Meeting, 2021
 Appeal No. APPLWRC202113934

Anuradha Mahila Shikshak Prashikshan Mahavidhyalaya, Naiwala, Badhke Balaji, Dhankya Road, Sanganer, Jaipur, Rajasthan	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Pradeep Kumar Giri, Secretary
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Anuradha Mahila Shikshak Prashikshan Mahavidhyalaya, Naiwala, Badhke Balaji, Dhankya Road, Sanganer, Jaipur, Rajasthan dated 13/02/2021 is against the Order No. WRC/NCTE/RJ-455/B.Ed./321st/2020/212719 dated 16.12.2020 of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Recognition was granted to the institution on 13.08.2006 on rented premises with a condition to shift the institution in its own premises within a period of three years from the date of issue of recognition order. The institution has not shifted in its own premises till date. Accordingly, Show Cause Noted was issued to the institution on

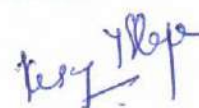
Kapil K. Mehta

27.09.2020. The institution has not submitted the reply of the Show Cause Notice till date. In view of above, the Committee decided that the recognition of B.Ed. programme of the institution be withdrawn under clause 7(15) from the next academic session 2021-22."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Pradeep Kumar Giri, Secretary, Anuradha Mahila Shikshak Prashikshan Mahavidhyalaya, Naiwala, Badhke Balaji, Dhankya Road, Sanganer, Jaipur, Rajasthan appeared online to present the case of the appellant institution on 23/07/2021. In the appeal memoranda it is submitted that "Institution applied for additional unit of B.Ed. and D.El.Ed. course in its permanent premises (Niawala, Bad Ki BalaJi, Jaipur) on the land which is allotted by the State Government for running women teacher training Institutions specifically and Copy of land documents are enclosed as Annexure-3 with hard copy. Subsequently, The Institution obtained permission for the additional unit of B.Ed courses vide order FNRC/NCTE/RJ-1447/2008/64031 Dated 29Sep.2008 in its permanent premises which is at Niawala, Bad Ki BalaJi, Jaipur. and Inspection was also conducted as per rules and regulations of NCTE. After obtaining the permission for running addition unit of B.Ed in its own premises from NRC of NCTE to run the college at its permanent premises, the Institution shifted to its permanent premises. After obtaining the permission to run the basic unit of B.Ed and additional unit of B.Ed, the Rajasthan University and state government also given permission to run the Institution in its permanent premises. Subsequent to the additional unit of B.Ed, the Institution also applied for D.El. Ed. courses, and disclosed all the information about existing courses, run by the institution in its permanent premises including basic unit of B.Ed (RJ-455). The recognition of D.El.Ed. course was granted by the NRC vide order FNRC/NCTE/RJ1429/2008/59273 Dated 26/08/2008. The Institution also applied for BA B.Ed. and B.Sc B.Ed. courses, and disclosed all the information about existing courses, run by the institution in its permanent premises including basic unit of B.Ed (RJ-455). The recognition of BA B.Ed. and B.Sc B.Ed. course was granted by the NRC after inspection conducted by NRC in its permanent premises and building in which all courses was conducted (B.Ed.&D.El.Ed.) vide order NRC/NCTE/NRC APP-2016-15530 /ID.NO.-9671/2018/190442 13/03/2018. The Institution was inspected three times with all information of existing courses, run by

the Institution in its permanent premises including the basic unit of B.Ed course. The Northern Regional Committee and Western Regional Committee did not change the address of the Institution in its own record after given permission of B.Ed additional unit and notice dated 27Sep.2020 given mechanically. The Western Regional Committee ignored the fact that as per NCTE Regulation, it is not possible that recognition of basic unit has been withdrawn but the permission to run the additional unit is still continuing. The Institution has given all the relevant information whenever required and asked to do so. All the compliance reports required to be submitted as per terms and conditions of revised recognition order has already submitted by the Institution. The Institution is currently running all courses mentioned below in its permanent premises (Niawala, Bad Ki Bala Ji, Jaipur) on the land which is allotted by the State Government for running women teacher training Institutions specifically after visiting team inspection required as per NCTE Regulations: • B.Ed basic unit • B.Ed additional unit • D.El.Ed • BA B.Ed and B.Sc B.Ed. The Institution also complied and submitted the Performance Appraisal Report in the year 2019 in which all the relevant information has been given to the NCTE. The institution also received a show cause notice u/s-17 vide order no F.NRC/NCTE/RJ-455/158526 dated 22.09.2016 in which the NRC decided in its 256th meeting as its reproduced below:- "The Institution was granted recognition to run B.Ed course vide order dated 13.08.2006 from the rented building within a period of three years. The Institution has not yet applied for shifting the premises." The Institution replied on above show cause notice and informed the NRC that Institution has already shifted from rented premises to its permanent premises. It is pertinent to mention here that Regional Committee has not considered the reply of the Institution before issuance of current show cause notice dated 27/09/2020 and before issuance of withdrawal of the recognition. The Institution never received show cause notice as the notice was served at its vacated old rented premises (as per withdrawal order 27Sep.2020) during covid lockdown period. The Institution never given second opportunity, required as per standard operating procedure of NCTE. The Institution also complied and submitted the Performance Appraisal Report in the year 2019 in which all the relevant information has been given to the NCTE."



III OUTCOME OF THE CASE

Appeal Committee perused the relevant records and submissions made by appellant and noted that appellant institution was granted recognition for conducting B.Ed. programme in the year 2006. The recognition granted by letter dated 07/08/2006 was conditional subject to procurement of land bigger in dimension and additional books. The conditional recognition was followed by another order dated 13/08/2006 by which formal recognition was granted to 92 institutions with appellant institution name figuring at Serial No. 34. Appeal Committee observed that paragraph 4 (i) of the recognition order mentioned that institutions intending to run the course in rented premises are required to shift to their own permanent building and submit compliance as per NCTE Regulation.

2. Appeal Committee noted that revised recognition order dated 09/06/2015 was for an intake of 200 seats and it mentioned an address of institution which was different from the address of institution mentioned in the earlier order dated 13/08/2006. Appeal Committee further noted that appellant institution was granted recognition for conducting D.El.Ed. and additional intake for B.Ed. programme in the year 2008 at the new address. Appeal Committee further noted that appellant institution in response to a Show Cause Notice (SCN) intimated WRC, by its letter dated 21/10/2016, that the institution had shifted to its own premises in the year 2008 and the B.S.T.C. course and additional intake of B.Ed. programme was granted to it in its own premises.

3. Appeal Committee noted from the submission made by appellant that the institution was also granted recognition to conduct B.A. B.Ed./B.Sc. B.Ed. programme in 2018. Appellant institution is supposed to have been inspected at the time of grant of recognition for (i) additional intake of B.Ed., (ii) D.El.Ed. and (iii) B.A. B.Ed./ B.Sc. B.Ed. at the present address. Appeal Committee further observed that Show Cause Notice dated 27/09/2020 was issued to appellant institution at its old address at Kalyanpura, Sanganer, Jaipur whereas revised recognition order mentioned the location of institution at Naiwala, Sanganer.

4. Appeal Committee noted that through appellant institution has failed to seek approval for shifting of the basic unit of B.Ed. programme, the Regional Committee had also failed to notice that additional intake and additional courses are granted to appellant

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institution at a location which was different from the address where basic intake of B.Ed. programme was recognised. Now at this stage the recognition for basic B.Ed. programme granted to the institution cannot be withdrawn in isolation of the additional intake and other course. Regional Committee, at its best can cause a composite inspection by asking the appellant to make a formal request for shifting of the basic intake by remitting the shifting fee. Appeal Committee finding that the Show Cause Notice dated 27/09/2020 was issued at the old address of institution and was not received by appellant resulting in 'No reply'.

5. 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."

6. 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:-

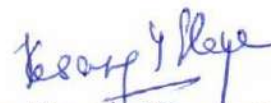
"Although the Appellate Committee of the NCTE would be well advised to expressly quash the original order of the concerned Regional Committee while remanding the matter, the position in law is that the order automatically stands quashed. The institution is, therefore, entitled to the benefits of recognition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

7. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 16.12.2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to WRC for revisiting the matter in totality and on merits. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 16/12/2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Anuradha Mahila Shikshak Prashikshan Mahavidhyalaya, Naiwala, Badhke Balaji, Dhankya Road, Sanganer, Jaipur, Rajasthan to the WRC, NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Anuradha Mahila Shikshak Prashikshan Mahavidhyalaya, Naiwala, 579/2, Badh Ke Balaji, Dhankya Road, Sanganer, Jaipur, Rajasthan – 302042.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-87/E-178609/2021 Appeal/17th Meeting, 2021
 Appeal No. APPLSRC202113951

Williams College of Education, Rayudupalem, Teachers Colony, Kakinada Rural, East Godavari, Andhra Pradesh	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. G. Srinivas, Superintendent
	Sh. P Vijay Kumar, Lecturer
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Williams College of Education, Rayudupalem, Teachers Colony, Kakinada Rural, East Godavari, Andhra Pradesh dated 24/02/2021 is against the Order No. SRO/NCTE/APS07718/B.Ed/AP/2020/122043 dated 29.12.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted notarized copy of LUC but diverted area and purpose of LUC not mentioned. The institution has submitted Notarized copy of building plan, but survey No. not mentioned. (i) Area of Multipurpose Hall not sufficient as per NCTE norms. The institution has not submitted a Letter regarding approval of faculty

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issued by the affiliating body. (i) Faculty in Performing Arts is not appointed. The institution has submitted Form "A" issued by the Branch Manager Rs.500000/-with the photocopy of two Matured FDRs Rs.300000/- and 500000/- (i) The institution is required to submit a "Form A" issued by the respective Bank Manger towards creation of FDR of Rs.7 lakh and 5 lakh, totalling Rs.12 lakh towards Endowment Fund & Reserve Fund into joint account for a duration of 5 years along with a copy of the FDRs."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. G. Srinivas, Society Member and Sh. P.Y.V. Prasad, Lecturer, Williams College of Education, Rayudupalem, Teachers Colony, Kakinada Rural, East Godavari, Andhra Pradesh presented the case of the appellant institution on 31/03/2021. In the appeal and during personal presentation it was submitted that "Diverted area and purpose of LUC mentioned copy is enclosed. Latest Building Plan with survey no. is enclosed (i) we are already having multipurpose hall of 2166.11 sq. ft., which is sufficient as per NCTE Norms. We submitted latest staff approval issued by the affiliating body (i) since the inception of our college we appointed faculty of performing arts and till today faculty is working. At present our FDRs for endowment fund and reserve fund maturity value is Rs. 23,41,527/-, which is more than required by NCTE, if you authorise and give us a letter, we will divide the amount as Rs. 7 lakh and Rs. 5 lakh, totalling Rs. 12 lakhs, which is required by NCTE now. Bank Manager told us without your authorisation letter, he cannot do anything regarding the FDRs." Appeal Committee noted that appellant during appeal hearing on 31/03/2021 orally requested for another opportunity to submit evidence of having faculty with required qualifications and approval of affiliating body. Appeal Committee decided to grant another (second) opportunity to the appellant to present its case before Appellate Authority. Appellant during the course of online appeal presentation stated that required documents have been submitted.

III OUTCOME OF THE CASE:-

Appeal Committee noted that appellant institution is conducting B.Ed. programme since 2007 with an intake of 100 seats which was reduced to 50 seats in July, 2017. Appeal Committee further noted that appellant has, with its appeal memoranda, submitted

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copies of (i) L.U.C. dt. 23/01/2021, (ii) List of faculty for the year 2020-21 approved by affiliating body, (iii) FDRs, (iv) Building Plan indicating survey number and Multipurpose Hall etc.

2. Appeal Committee decided that appellant institution is required to submit to SRC, within 15 days of the issue of appeal order, originals of the required documents. FDRs for Reserve Fund and Endowment Fund should be submitted separately as per NCTE Regulation.

3. 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."

4. 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."

5. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 29/12/2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to SRC for revisiting the matter after the appellant submits required documents as mentioned in the above para. Regional Committee is required to conclude the matter within 30 days of this appellate order.

Reserve Fund

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 29/12/2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Williams College of Education, Rayudupalem, Teachers Colony, Kakinada Rural, East Godavari, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Williams College of Education, Rayudupalem, 27, 3rd APSP Post Office, Teachers Colony, Kakinada Rural, East Godavari, Andhra Pradesh – 533005.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Amravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-101/E-171000/2021 Appeal/17th Meeting, 2021
Appeal No. APPLSRC202013789

Sri Saraswathi College of Education, Thularankuruchi, Udayarpalayam, Chidhambaram-Trichy Main Road, Udayarpalayam, Perambalur, Tamil Nadu (APPELLANT)	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. (RESPONDENT)
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Representative of Appellant	Ms. S. Elavarasi, Trustee
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Sri Saraswathi College of Education, Thularankuruchi, Udayarpalayam, Chidhambaram-Trichy Main Road, Udayarpalayam, Perambalur, Tamil Nadu dated 22/10/2020 is against the Order No. SRO/NCTE/APSO8154/TN/B.Ed./2020/17471-7477 dated 01.09.2020 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "On the perusal of the reply submitted by the institution on 26.11.2019. The Committee observed and found the following deficiencies: - LUC is not in appropriate format. The institution has not submitted a copy of Non-Encumbrance Certificate issued by the Competent Authority. Site Plan is submitted. BCC is not in appropriate format.

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The institution has submitted staff list of 1+11 against the requirement of 1+15. The institution has also not appointed faculty for Fine Arts, Performing Arts. Form 'A' issued by the bank regarding FDRs has not been submitted. The institute did not submit certified copy of land documents."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Raja, Trustee, Sri Saraswathi College of Education, Thularankuruchi, Udayarpalayam, Chidhambaram-Trichy Main Road, Udayarpalayam, Perambalur, Tamil Nadu presented the case of the appellant institution online on 01/04/2021. In the appeal and during online presentation it was submitted that "We are ready to submit in proper format this time; they have only regional non encumbrance certificate (in Tamil) and are ready to submit in proper language this time. They are ready to submit site plan, in proper format. Pending 4 staffs has been appointed already. But not submitted documents. So, we submit information about that this time within 30 days. We will submit form 'A' issued by bank regarding FDRs this time within 30 days. We have only certified copy of regional land documents (in Tamil). We are ready to submit in proper language this time within 30 days."

2. The appellant, in an email dated 01/04/2021, requested another opportunity so as to arrange for necessary documents and particulars. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

III OUTCOME OF THE CASE:-

Appeal Committee noted that appellant institution has submitted copies of documents which were found to be wanting in the impugned order of withdrawal dated 01/09/2020. Appeal Committee further noted that appellant institution was recognised to conduct B.Ed. programme from academic session 2006-07 and it had submitted reply dated 07/11/2019 in response to Show Cause Notice (S.C.N) dated 17/10/2019.

Kesav Iyer

2. Appeal Committee decided that appellant institution is required to submit to SRC, within 15 days of the issue of appeal order originally certified copy of land documents and copies of other documents submitted by it with its appeal memoranda.

3. 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."

4. 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."

5. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 01/09/2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to SRC for revisiting the matter. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 01/09/2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Sri Saraswathi College of Education, Thularankuruchi, Udayarpalayam,

[Handwritten signature]

Chidhambaram-Trichy Main Road, Udayarpalayam, Perambalur, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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

(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

- 1. The Correspondent, Sri Saraswathi College of Education, Thularankuruchi, Udayarpalayam, Chidhambaram-Trichy Main Road, Udayarpalayam, Perambalur, Tamil Nadu - 621804.**
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-103/E-178487/2021 Appeal/17th Meeting, 2021
 Appeal No. APPLSRC202113956

Andhra Muslim College of Education, Ponnur Road, Guntur, Andhra Pradesh	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. M.A. Rahman, Executive Member
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Andhra Muslim College of Education, Ponnur Road, Guntur, Andhra Pradesh dated 25/02/2021 is against the Order No. SRO/NCTE/APS08435/B.Ed/AP/2020/122113-2119 dated 29.12.2020 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Institution has not submitted certified copy of land document. The institution has submitted building plan but not readable and not legible. The institution has not submitted the "Form A" issued by the respective Bank Manager towards creation of FDR of Rs. 7 lakh and 5 lakh, totalling Rs. 12 lakh towards Endowment fund & Reserve fund into joint account for a duration of 5 years along with a copy of the FDRs. The institution has submitted a faculty list which is not approved by the affiliating body. Some deficiencies are:- (a) Five Lecturers do not have NET/Ph.D. as per NCTE

Tej Singh

(Recognition Norms & Procedure) (Amendment) Regulations, 2017 dated 29.05.2017 notified on 09.06.2017. A letter regarding approval of faculty issued by the affiliating body has not been submitted by the institution."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Md. Gouse Riajuddin, Sr. Assistant, Andhra Muslim College of Education, Ponnur Road, Guntur, Andhra Pradesh presented the case of the appellant institution on 01/04/2021. Further, Sh. M.A. Rahman, Executive Member, made online presentation of its appeal case on 23/07/2021 and stated that copies of all the documents required in the case have been submitted. In the appeal and during personal presentation it was submitted that "They have already submitted the duly certified copies of the land document, 11.09 acres along with the required affidavit. The Building Plan is in fact a blue-print and hence in the photostat copy it is not readable. However, a computer copy which is readable has already been forwarded. The Form "A" letter from the Andhra /Union Bank stating that the FDRs joint accounts has already been forwarded. The approval statement of the affiliating authority i.e. Acharya Nagarjuna University duly signed by the Committee Members for the period 2019-20 and 2020.21 was already forwarded. We are on the outlook for the NET/Ph.D. candidates and fulfil the same for the future year 2021.2022 since the University has accorded permission has been forwarded. Nagarjuna University has issued the approval for the staff for the year 2019-20 and 2020-21 statement regarding approval of faculty issued by the affiliated body i.e. Acharya Nagarjuna University has already been forwarded earlier." Further, Sh. M.A. Rahman, Executive Member, made online presentation of its appeal case on 23/07/2021 and stated that copies of all the documents required in the case have been submitted.

III OUTCOME OF THE CASE:-

Appeal Committee perused the relevant records and the documents submitted by appellant institution and noted that appellant institution was granted recognition in the year 2007 for conducting B.Ed. programme with an intake of 100 seats and the revised recognition order dated 06/05/2015 is also for 100 seats. Appeal Committee

Perused & Approved

noted that appellant institution by its letter dated 28/02/2019 informed SRC that current affiliation granted by the University is for 50 seats. Appeal Committee further observed that appellant institution by its letter dated 06/11/2020 had submitted to SRC attested copies of land deed, Non-encumbrance certificate, L.U.C., List of faculty, FDRs, Building Completion Certificate etc. Appellant institution being recognised for conducting B.Ed. programme since 2007 should try to understand that it was required to submit originally certified copy of land document and not the attested copy of land document. Further the institution was required to submit a formal request to SRC for reduction in the intake from 100 seats to 50 seats as being affiliated for 50 seats does not mean that intake sanctioned in the recognition order has been reduced. Appeal Committee decided that so long the intake in a programme approved by the Regional Committee is 100 (2 units), the appellant institution is under an obligation to comply with the requirements of recognition order. As appellant institution is not in possession of the required faculty and has also failed to submit originally certified copy of land and related documents, the impugned order of withdrawal dated 29/12/2020 deserves to be confirmed.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

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


(Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Secretary, Andhra Muslim College of Education, 982, Guntur, Ponnur Road, Guntur, Andhra Pradesh – 522003.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Amravati.



IN THE NCTE APPELLATE AUTHORITY
 NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-106/E-180240/2021 Appeal/17th Meeting, 2021
Appeal No. APPLSRC202113964

St. Basil College of Education for Women, Mahendrapuri, Chinnathirupathi, Near Housing Board, Salem, Tamil Nadu (APPELLANT)	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075 (RESPONDENT)
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Representative of Appellant	Dr. Sophia David Livingston, Member Sh. Rt. Rev. Dr. S. Jayaraj Krishnan, Chairman
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND'S OF WITHDRAWAL

The appeal of St. Basil College of Education for Women, Mahendrapuri, Chinnathirupathi, Near Housing Board, Salem, Tamil Nadu dated 05/03/2021 is against the Order No. SRO/NCTE/APSO6232/TN/B.Ed./2021/122675 dated 08.01.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "LUC is not in proper format of State Government. The institute did not submit notarized English translation of NEC. The total built up area is not adequate as per Building Completion Certificate submitted by the institution under NCTE Regulations, 2014 for running 2 basic units of B.Ed. course."

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II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Jayaraj, Chairman and Dr. Sofia, Representative, St. Basil College of Education for Women, Mahendrapuri, Chinnathirupathi, Near Housing Board, Salem, Tamil Nadu presented the case of the appellant institution online on 01/04/2021 and sought further opportunity. Dr. Sophia David Livingston and Sh. Rt. Rev. Dr. S. Jayaraj. Krishnan, representatives of the appellant institution presented online the case of appellant and stated that all required documents have been submitted with the appeal memoranda. In the appeal and during online presentation it was submitted that "We have Land Use Certificate received from Vao and Zonal Deputy Tahsildar in which it says Indian Christian Mission Centre Trust bearing reg. No.66/1988 is having its own land bearing survey no. 2/3, 2/3b1a, 2/3b1b, 14/4c7, 14/4c8, 29 to an extent of 35,416.25 sq. ft. situated at block – 7, ward – a Mahendrapuri, Salem Sub-registrar office, Salem District, Tamilnadu State as per the Sale Deed (1622/1991, 1507/1992, 522/1993, 1106/1994, 2102/1999, 823/2001, 37/1997, 1375/2001, 1573/2002, 1767/2002, 1090/2003, 2172/2005, 581/2008). These lands are used only for the educational purpose to run St. Basil College of Education for Women at Mahendrapuri by the Indian Christian Mission Centre (ICMC) Trust, Salem, Tamilnadu, India. We submit notarized English translation of NEC for your kind consideration. Total built up area is 30,519 sq. ft. it is mentioned in the Building Completion Certificate. Multipurpose Hall is in size of 31.58 x 9.73 3,307 sq. ft. Notarized Building Completion Certificate is enclosed for your kind consideration."

III OUTCOME OF THE CASE:-

Appeal Committee noted that impugned withdrawal order dated 08/01/2021 is on the grounds that (i) Land Use Certificate (L.U.C) is not in proper format, (ii) non-submission of English translation of Non-Encumbrance Certificate (N.E.C.) and (iii) Total built up area is not adequate for running 2 units of B.Ed. course.

2. Appeal Committee noted that appellant institution is recognised since 2007 to conduct B.Ed. course with an intake of 100 seats and with its appeal memoranda has submitted the documents wanted in the case as mentioned in the impugned order.

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Appeal Committee decided that appellant institution is required to submit to SRC within 15 days of the issue of appeal orders all required documents submitted by it with its appeal memoranda.

3. 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."

4. 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."

5. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 08.01.2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to SRC for revisiting the matter after the appellant institution submits (i) L.U.C. in proper format, (ii) English translation of Non-Encumbrance Certificate, (iii) Building Completion Certificate in performa prescribed by NCTE (available on NCTE website). Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 08.01.2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the

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case of St. Basil College of Education for Women, Mahendrapuri, Chinnathirupathi, Near Housing Board, Salem, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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



(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Chairman, St. Basil College of Education for Women, Mahendrapuri, 2/3, Chinnathirupathi, Near Housing Board, Salem, Tamil Nadu – 636008.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 13/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-03/E-173418/2021 Appeal/17th Meeting, 2021
Appeal No. APPLWRC202013648

Kamla Kelvani Mandal College of Education, Pilvai, College Road, Vijapur, Mehsana, Gujarat	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. K.C. Dave, Trustee
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

"The appeal of Kamla Kelvani Mandal College of Education, Pilvai, College Road, Vijapur, Mehsana, Gujarat dated 05/04/2020 is against the Order No. WRC/APW02692/323322/B.Ed./GUJ./312th/2020/207704 dated 06.02.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "As per appeal order, the institution was directed to submit the required documents in original within 15 days from the date of issue of Appeal Order, which has not been submitted by the institution till date. In view of this, the Committee decided that the withdrawal order dated 31.08.2018 issued by, WRC for the institution stands."

Kemp R. Kape

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. K.M. Dave, President and Hemlata Talesara, Director, Kamla Kelvani Mandal College of Education, Pilvai, College Road, Vijapur, Mehsana, Gujarat appeared before the Committee on 23/02/2021. The appellant, in their letter dated 23/02/2021, requested another opportunity to present their case. The Committee acceded to the request and decided to give the appellant another opportunity i.e., the second opportunity to present their case. Appellant institution was issued notice to present its case online before Appellate Authority on 29.05.2021. Appellant neither appeared before Appeal Committee nor did send any intimation. Appeal Committee as per extant appeal rules decided to grant 3rd and final opportunity to the appellant to present its case before the Appeal Committee.

3. Dr. K. C. Dave, Trustee, Kamla Kelvani Mandal College of Education, Pilvai, College Road, Vijapur, Mehsana, Gujarat presented the case of the appellant institution on 23/07/2021 i.e. the third and final opportunity granted to them.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that according to the Appellate order dated 16/07/2019, the appellant was required to send to the WRC, the approved staff profile. Appellant, in the course of consideration of the present appeal submitted a copy of their letter dt. 25/07/2019, with which they have reportedly sent required documents to WRC. Appeal Committee noted that this letter sent through speed post is not in the file of the WRC. The appellant enclosed a copy of speed post receipt. On the other hand, the WRC's file contains a letter dt. 05/11/2019 issued by the Hemchandracharya North Gujarat University addressed to the appellant institution, with a copy endorsed to WRC. The enclosure to this letter is a list of approved faculty consisting of a Principal and seven lecturers.

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2. In view of the above position, the Committee concluded that the matter deserved to be remanded to the WRC with a direction to consider the appellant's letter dated 25/07/2019, to be sent to them by the appellant. As the University's letter dated 05/11/2019 is available with WRC, necessary action may be taken as per the NCTE Regulation, 2014. The appellant is directed to forward to the WRC their letter dt. 25/07/2019 with all its enclosures within 15 days of receipt of orders on the appeal.

3. 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."

4. 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."

5. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned withdrawal order dated 31.08.2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to WRC for revisiting the matter after the appellant submits copy of its letter dated 25/07/2019 with enclosures. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case,

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Appeal Committee of the Council concluded to set aside the impugned withdrawal order dated 31.08.2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Kamla Kelvani Mandal College of Education, Pilvai, College Road, Vijapur, Mehsana, Gujarat to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The President, Kamla Kelvani Mandal College of Education, 76, Pilvai, College Road, Vijapur, Mehsana, Gujarat - 382850.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-138/E-183436/2021 Appeal/17th Meeting, 2021
Appeal No. APPLWRC202114000

Sarvodaya BSTC Institute, Matunda, Old 832/11 and New 3206/832, 3880/3206, Bundi, Canal Road, Bundi, Rajasthan – 323001	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. A.P. Mirza, Treasurer
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF REFUSAL

The appeal of Sarvodaya BSTC Institute, Matunda, Bundi, Canal Road, Bundi, Rajasthan dated 02/04/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-13612/289th Meeting/2019/201400-05 dated 13.03.2019 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the institution has not submitted the reply of SCN dt. 12.12.2015."

Kesav I. Kope

II. SUBMISSIONS MADE BY APPELLANT:-

Nobody from Sarvodaya BSTC Institute, Matunda, Bundi, Canal Road, Bundi, Rajasthan appeared before Appeal Committee to present the case of appellant institution on 11/06/2021. Further online link could not be established despite effort. In these circumstances, the Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case. Sh. A.P. Mirza, Treasurer, Sarvodaya BSTC Institute, Matunda, Bundi, Canal Road, Bundi, Rajasthan presented the case of the appellant institution on 23/07/2021 i.e. the second opportunity granted to them.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution.

2. Adverting to the issue of non – submission of NOC, the Committee noted that according to the provisions of Clause 5 (3) of the NCTE Regulation, 2014, an application for grant of recognition for conducting a teacher training course has to be submitted along with a 'No Objection Certificate' issued by the concerned affiliating body. The appellant had not enclosed the requisite NOC along with the its online application dated 18/06/2015. The appellant now submitted a NOC which was given on 02/04/2019 i.e. after nearly three years and nine months of making an application and after issue of order of refusal on 13/03/2019.

3. In the above circumstances, the Committee concluded that the appeal deserved to be rejected and the order of refusal dated 13/03/2019 confirmed on the grounds mentioned therein.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Appeal Committee of the Council concluded

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that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Sarvodaya BSTC Institute, Matunda, Old 832/11 and New 3206/832, 3880/3206, Bundi, Canal Road, Bundi, Rajasthan – 323001.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-139/E-184022/2021 Appeal/17th Meeting, 2021
Appeal No. APPLNRC202114008

Pt. Vashudev Tiwari College of Education, 107, Purani Najhai Gulab Chand Seth Ki Haweli Ke, Jhansi Road, Jhansi, Uttar Pradesh – 284004 (APPELLANT)	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. (RESPONDENT)
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Representative of Appellant	Sh. Abishek Tiwari, Manager
Respondent by	Regional Director, NRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Pt. Vashudev Tiwari College of Education, Purani Najhai Gulab Chand Seth Ki Haweli Ke, Jhansi Road, Jhansi, Uttar Pradesh dated 12/04/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/UP-2483/322nd (Virtual) Meeting/2020/213056-61 dated 08.02.2021 of the Northern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Institution has not submitted reply of Show Cause Notices issued dated 09.10.2020 and Committee decided as under: The institution has not submitted affidavit as its acceptance for adherence to the provisions of the NCTE Regulations, 2014 and therefore, a revised provisional recognition order (RPRO), as per NCTE Regulations,

Resg. I. K. S.

2014, was not issued to the institution. The recognition of B.Ed. course to be withdrawn from the academic session 2021-2022.”

II. SUBMISSIONS MADE BY APPELLANT:-

Nobody from Pt. Vashudev Tiwari College of Education, Purani Najhai Gulab Chand Seth Ki Haweli Ke, Jhansi Road, Jhansi, Uttar Pradesh appeared online to present the case of appellant institution on 11/06/2021. Further online link could not be established despite efforts. In these circumstances, the Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

III. OUTCOME OF THE CASE

The Committee noted that the appellant filed the appeal, following the liberty granted to them to file such an appeal under Section 18 of the NCTE Act, by the Hon'ble High Court of Delhi at New Delhi in their order dated 18/03/2021 in W.P. (C) 3511/2021 filed by the Appellant.

2. Sh. Abhishek Tiwari, Manager, Pt. Vashudev Tiwari College of Education, Purani Najhai Gulab Chand Seth Ki Haweli Ke, Jhansi Road, Jhansi, Uttar Pradesh presented the case of the appellant institution on 23/07/2021 i.e. the opportunity granted to them.

3. The appellant in its appeal submitted that they have submitted to NRC an affidavit with their letter dated 13/01/2015 for issue of a revised order and enclosed a copy of the courier receipt dt. 13/01/2015. The Committee noted that this letter is not available in the file of NRC.

4. Appeal Committee noted that after NCTE Regulation, 2014 were published in Gazette of India on 01/12/2014, the norms and standards for teacher education programmes were revised and the B.Ed. programme which earlier used to be of one year tenure was made a two years programme. Revised recognition orders were issued to institution in May – June, 2015 after the institution submitted affidavit affirming compliance of the NCTE Regulation, 2014. Appeal Committee noted that appellant

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institution stated that it furnished affidavit in January, 2015. There is no evidence on regulatory file that appellant institution furnished required affidavit as a result revised recognition order for conducting a two year B.Ed. programme was not issued and one year B.Ed. programme was discontinued after 2015. Appellant institution never made efforts to know as to why revised recognition order under NCTE Regulation, 2014 which was issued to other institutions conducting B.Ed. programme was not issued in his case. Impugned order of withdrawal which in fact is an order for one year B.Ed. programme deserves to be confirmed. Now therefore, in case appellant seeks recognition for two year B.Ed. programme, it may apply afresh as and when NCTE invites applications by issuing a notification. Appeal Committee decided to confirm the order dated 08/02/2021.

IV. DECISION:-

NOW THEREFORE, 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 to confirm the impugned order of withdrawal dated 08/02/2021.

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


(Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Chairman, Pt. Vashudev Tiwari College of Education, 107, Purani Najhai Gulab Chand Seth Ki Haweli Ke, Jhansi Road, Jhansi, Uttar Pradesh - 284004.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Plot No. G-7, Sector - 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Uttar Pradesh, Lucknow.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-164/E-185615/2021 Appeal/17th Meeting, 2021
Appeal No. APPLWRC202114037

Gandhi Gram Womens B.Ed. College, P-35, Barbdi Road, Wardha, Maharashtra – 442001	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Ms. Sunita Ravishende, President
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Gandhi Gram Womens B.Ed. College, Barbdi Road, Wardha, Maharashtra dated 08/02/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW01990/123275/322nd/2020/212523 dated 11.12.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Recognition was granted to the institution on 31.08.2006 on rented premises with a condition to shift the institution in its own premises within a period of three years from the date of issue of recognition order. The institution has not shifted the institution in its own premises till date. Accordingly, Show Cause Notice was issued to the institution on 30.09.2020. The institution has not submitted the reply of the Show Cause Notice till date. In view of above, the Committee decided that the recognition of B.Ed.

Deepika

programme of the institution be withdrawn under section 17(3) of the NCTE Act from the next academic session 2021-2022."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Sunita R. Shende, President, Gandhi Gram Womens B.Ed. College, Barbdi Road, Wardha, Maharashtra presented online the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation appellant sought another opportunity to present its case before Appeal Committee as the documents required to be submitted were found incomplete. Appeal Committee, as per extant appeal rules, decided to grant another opportunity to present its case before Appellate Authority. Ms. Sunita Ravishende, President, Gandhi Gram Womens B.Ed. College, Barbdi Road, Wardha, Maharashtra presented the case of the appellant institution on 23/07/2021 i.e. the second opportunity granted to them.

III. OUTCOME OF THE CASE

The Committee noted that the WRC issued withdrawal order dated 11/12/2020 on the grounds that (i) the institution has not shifted to its own premises till date; and (ii) the institution has not submitted a reply to the Show Cause Notice (dated 28/09/2020).

2. The Committee noted that the appellant, without giving any explanation for not replying to the Show Cause Notice, submitted that they had submitted a proposal for shifting of premises on 19/10/2011. The appellant, with their appeal papers, submitted a copy of their letter dt. 06/03/2012 addressed to WRC regarding shifting of premises. A host of documents have been enclosed to this letter. The appellant also enclosed courier's receipt dated 06/03/2012.

3. The Committee noted that this letter is not available in the file of WRC. In these circumstances, the Committee concluded that the courier receipt cannot be accepted as valid evidence of having submitted a proposal for shifting. Further the appellant did not submit copy of the demand draft by which the amount of shifting fee applicable at that

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time was remitted. Appellant also never reminded WRC to know the status of its request for shifting of B.Ed. course. Appeal Committee decided that copy of a courier receipt merely, cannot be accepted as valid evidence of submission of the shifting proposal for B.Ed. programme. From the documents submitted by appellant with its appeal, Appeal Committee noted that on the basis of proposal submitted by appellant in 2012, approval of shifting was accorded by WRC by an order no. WRC/APWO2318/122447/Change of Premises/184th Meeting/2013/104410 dated 13/06/2013. Appeal Committee noted that, this approved was specific to the D.El.Ed. programme and appellant has not submitted any proposal to shift B.Ed. programme. Appeal Committee decided that impugned order of withdrawal dated 11/12/2020 deserves to be confirmed.

IV. DECISION:-

NOW THEREFORE, 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 to confirm the impugned order of withdrawal dated 11/12/2020.

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


(Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The President, Gandhi Gram Womens B.Ed. College, P-35, Barbdi Road, Wardha, Maharashtra – 442001.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Maharashtra, Mumbai.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-29/E-175143/2021 Appeal/17th Meeting, 2021

Appeal No. APPLWRC202113881

Yash Mohan T.T. College, 1398, Tonk, Sohela, Tonk, Rajasthan- 304021	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Ramavatar Meena, President
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF REFUSAL

"The appeal of Yash Mohan T.T. College, Tonk, Sohela, Rajasthan dated 16/01/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/RJ..../310th Meeting/2019/207627-33 dated 04.02.2020 of the Western Regional Committee, refusing recognition for conducting for B.Ed. Course on the grounds that "Institution has not submitted any proof / evidence to prove that it is a composite institution as per clause 2(b) of NCTE Regulations, 2014. The land was registered after the date of submission of application. The institution has not submitted the Notarized copy of Change of Land Use Certificate issued by the Competent Govt. Authority. Certificate from the relevant department of the Government certifying that the society is not for profit/Charitable Trust/Society/Company is not submitted. A copy of Mutation Certificate

Deepika

issued by the competent authority is not submitted. Site Plan showing the location of the building as per the land & revenue records of the concerned authority not legible. Building Safety Certificate issued by the competent authority not submitted. Fire Safety Certificate issued by the competent authority not submitted. A certificate to the effect that the institutional campus, building furniture is disabled friendly as per the persons with disability (PWD) and of the Government of India not submitted."

II. SUBMISSIONS MADE BY APPELLANT:-

Yash Mohan T.T. College, Tonk, Sohela, Rajasthan was asked to present the case of the appellant institution on 24/02/2021. Nobody from the institution appeared. Further online link could not be established despite efforts. In these circumstances, the Committee decided to give the appellant another opportunity i.e. the second opportunity to present their case.

2. Yash Mohan T.T. College, Tonk, Sohela, Rajasthan was asked to present the case of the appellant institution on 11.06.2021 but nobody from the institution appeared. The appellant, online, requested another opportunity to present their case. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the third and final opportunity to present their case. Sh. Ramavatar Meena, President, Yash Mohan T.T. College, Tonk, Sohela, Rajasthan presented the case of the appellant institution on 23/07/2021 i.e. the third and final opportunity granted to them.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted from the order of refusal dated 04/02/2020, that the NRC, after observing that the State Government of Rajasthan in their communication dated 09/04/2019 has refused permission to start B.Ed. course in the appellant institution, pointed out a number of deficiencies. The Committee also noted that the refusal order mentioned a number of deficiencies, which were not included in the Show Cause Notice dated 01/03/2019 issued to the appellant and which was replied to by the appellant in their letter dated 02/03/2019. The appellant in their appeal mentioned that no Show

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Cause Notice was issued in respect of six grounds mentioned in the refusal order. The appellant also gave explanation in respect of other deficiencies pointed out in the refusal order.

2. Appeal Committee noted that the most important point in this case is refusal of permission by the State Government to the appellant institution to start the B.Ed. course. Once such a clear-cut negative recommendation of the concerned State Government, which is an important stake holder in the entire gamut of teacher education, has been communicated to the NRC, the existence of deficiencies or their removal becomes an irrelevant issue. Further, the Committee noted that for ensuring planned and coordinated development of teacher education, as mandated in the NCTE Act, 1993, the views of the State Government are a very necessary, relevant and important input in the process of considering applications for grant of recognition.

3. Now therefore, the Appeal Committee in view of the above position, concluded that the appeal deserved to be rejected on the ground of negative recommendation of the State Government and the order of refusal confirmed.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, Appeal Committee of the Council concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

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


(Mrs. Kesang Yangzom Sherpa)
 Member Secretary

Copy to: -

1. The Secretary, Yash Mohan T.T. College, 1398, Tonk, Sohela, Tonk, Rajasthan – 304021.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Rajasthan, Jaipur.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-31/E-175373/2021 Appeal/17th Meeting, 2021
Appeal No. APPLWRC202113877

Shree P.M. Patel College of Education (B.Ed.), T.P. Scheme No. 3, Final Plot No. 3 Paiki+5 Paiki, Bhalej Road, Anand, Gujarat – 388001 <u>(APPELLANT)</u>	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. <u>(RESPONDENT)</u>
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Representative of Appellant	Sh. J.P. Chauhan, Management Representative
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

“The appeal of Shree P.M. Patel College of Education (B.Ed.), Paiki, Bhalej Road, Anand, Gujarat dated 12/01/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW00520/323143/B.Ed./321st/GUJ/2020/212929 dated 19.12.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that “Committee considered the institution’s reply dated 14.09.2020 and observed that the institution is still deficient on the following grounds “The Principal is not having the required 8 years teaching experience as per requirements and also the Ph.D. degree is under pursuing. The faculty appointed as at Sr. 7 to 10 is not approved by the concerned affiliating body. The institution has not appointed faculty for Health & Physical, Fine Arts as per NCTE norms. The appointment letter dt. 02.08.2019

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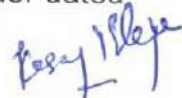
of the Principal Dr. Anil Kumar G. Kachhia has been submitted but same is not approved by the affiliating body. After promulgation of NCTE Regulation 2014 Revised recognition order from 1 year B.Ed. programme has not been issued till date to the institution. Keeping in view of the above, the Committee decided that withdrawal order No. WRC/APW0052/323143/154th/2011/83203-83209 dt. 25.11.2011 stands."

II. SUBMISSIONS MADE BY APPELLANT:-

No one from Shree P.M. Patel College of Education (B.Ed.), Paiki, Bhalej Road, Anand, Gujarat appeared online before the Appeal Committee to present the case of the appellant institution on 24/02/2021 and 11/06/2021. In the appeal memoranda it is submitted that "The above order is bad in law because Hon'ble High Court of Gujarat vide its order dated 26.6.2012 passed by Justice K.S. Jhaveri has granted stay of operation implantation and execution of order dated 25.11.2011 passed in SCA/7743/2012 and vide order 19.4.2019 (Coram: Hon'ble Ms. Justice Bela M. Trivedi) in her decision at para 5 has held as under: para 5: "In view of above since, implementation of the impugned orders dated 25.11.2011 and 19.3.2012 are stayed as per order dated 26.9.2012 and since then the new regulations have come into force, the said impugned orders have become ineffective and do not survive." Similarly appeal committee vide its order dated 6.11.2019 in F.No.89-347/E-134213/2019Appeal/31st Mtg.2019/15th October2019 at paragraph 8 it is recorded as under: Para 8: and whereas the committee noted that apart from "invoking the defunct withdrawal order" dated 25.11.2011, the WRC did not issue any specific show cause notice to the appellant about the necessity of compliance of the requirement of the amended Regulation Dt. 9.6.2017, which has been adduced as a new ground for withdrawal of recognition in the order dated 6.8.2019. Such a show cause notice is necessary as per the provisions of the first proviso under section 17(1) of the NCTE Act, 1993. In view of the above 2 order of superior authority it was abundantly clear that order dated 25.11.2011 is unsustainable in eye of law even though it is allowed to "stand" is "confirmed" which is gross action of contempt of the Hon'ble Courts order as well as order of the Appeal Committee of NCTE, so as it is complete non-application off mind on the part of the WRC. Even though ordered above by the appeal committed of NCTE dated 6.11.2019 while issuing the notice dated 13.2.2020 and 13.8.2020 specific

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defect/imputation of charges are not mentioned resulting into gross disregard to the orders of the Hon'ble High Court of Gujarat and decision of Appeal Committee of NCTE. Furthermore issues raised in show cause notice dated 21.6.2011 and order passed in reference to said show cause notice is dated 25.11.2011 are on different footing then the contents of order dated 19.12.2020 arising out of show cause notice dated 13.2.2020 and 13.8.2020 which are reproduced herein below for necessary reference: following 4 points were raised and final order dated 25.11.2011 was passed on following grounds Issues of show cause notice Order passed on issues Explanation Registered lease deed is not for the prescribed minimum period of 30 years, as required under NCTE, Regulations, 2002. The institute has controverted clause 7(d) of the NCTE regulation 2002 7(d): To provide these facilities, the management/institutions shall at the time of making application have in its possession adequate land/ land and building on ownership basis free from all encumbrances. Government land acquired on long term lease as per the law of the concerned State/ UT will also be considered valid for the purpose. Pending construction of permanent building in the above land, the institution may provide these facilities in suitable temporary premises up to maximum period of 3 years, before expiry of which the institution should shift to its permanent building. Approved staff profile by examining body not submitted NB: defect not found Principal was not appointed Documentary evidence of qualification and experience of the principal not submitted Principal was appointed in August 2010 who had discharged his duties till 2017, which is approved and recognised by the Sardar Patel University. Land document which was duly certified by the Competent Authority was not submitted along with the application that was required as per Rule 7(d) of the NCTE norms and standards 2002 or as per Section 8(5) of the NCTE norms and standards 2005, NB order was not passed Registered lease deed and 7x12 extract were produced Upon bare perusal of the staff profile approved by the university, indicates the fact that the principal was appointed on 31.08.2009 and was made permanent on 14.8.2010, which is prior to the show cause notice dated 25.7.2011. 2. Brief and relevant facts of present case are as under : 2.1 As per show cause notice dated 13.2.2020 & 13.8.2020 issued by WRC not a single point is raised / specific charge is framed/ imputation of charges is issued, calling for explanation in reference to the show cause notice dated 21.6.2011 and order dated 25.11.2011 even though impugned order dated



19.12.2020 is passed as under As per show cause notice 13.2.2020 As per order Explanation/Remark At para 12 An whereas the matter was placed before the WRC in its 321th meeting of the WRC held in January 27th-29th, 2020 and committee decided as follows:- the committee considered the matter keeping in view the directions of the Hon'ble Court in SCN. No.7734/2012 and also the appellate authority order dated 06.11.2019 and recommends that the institution be issued a show cause notice to submit the required documents in compliance to NCTE Regulations 2014 as amended from time to time In view of above a show cause notice be issued u/s 17 of the NCTE Act to the institution to reply within 30 days. Para-13 now therefore in compliance of the decision of the WRC the show cause notice is issued u/s 17(1) of NCTE Act 1993 with the direction to submit your written reply with in a period of 30 days from the date of issue of this notice complying with the decision of WRC failing which action u/s 17(1) will be taken as per NCTE Act, Rules and Regulation 2014. Para 12 Keeping in view of the above the committee decided that withdrawal order No. WRC/ APW0052/323143/ 154th /2011/83203-83209 dated 25.11.2011 stands" Para 13: Now therefore the withdrawal order No. WRC/APW00520/323143/154th/2011/83203-83209 dt.25.11.2011 issued by the WRC is Confirmed" Imputation of charges or issues upon which reply/ Documents has to be submitted has not been disclosed. Contents of para 13 of show cause notice indicates that WRC has already taken decision, however till the date of show cause notice, all the decision including decision dated 25.11.2011 of WRC has been set a side by appellate authority of NCTE vide order dated 6.11.2019 by declaring it to be defunct, and by order dated 11.4.2019 being inoperative, ineffective, either by appellate authority or by Hon'ble High Court of Gujarat. The order impugned dated 19.12.2020 is stayed by Hon'ble High Court of Gujarat vide its order dated 22.12.2020 passed in Special Civil Application No. 16275 of 2020. 2.2 Therefore the reliance, which has been placed on order dated 25.11.2011 to stand was in reference to 3 counts :- (i) registered lease deed, is not for the prescribed minimum period of 30 years, as required in the NCTE Regulation, 2002, (ii) The Institution had controverted clause 7(d) of the NCTE Regulation 2002, (iii) Documentary evidence of qualification and experience of the principal is not submitted. The order goes beyond the scope of notice dated 27.6.2011 and reply given by the applicant supported by documentary evidence therefore, it was stayed till the year 2019

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by this Hon'ble High Court of Gujarat, which subsequently declared to be "ineffective and do not survive" vide order dated 11.4.2019, therefore impugned order of the WRC dated 19.12.2020 is complete non application of judicial mind resulting to be bad in law. 2.3 Point no 1 and 4 :Regarding appointment of principal in the college it is pertinent to note that in between 2009 to 2020, following persons have discharged their duties as principal:

Employee/ Principal	Date of appointment	Date of resignation/ retirement	Education qualification as per NCTE Regulation 2014
Kalpesh B Patel	22.7.2004	31.7.2010	MPhil, Med, PhD.
Ramanbhai S Prajapati	14.8.2010	1.6.2017	MA, MEd, PhD.
Vipul R Patel	22.6.2017	31.7.2019	MA, M.Ed. PhD
Anilkumar G Kacchia	2.8.2019		M.Com MEd, PhD

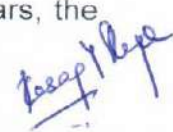
Appointment of Principal was approved throughout by the affiliating body being S.P. University until present vice chancellor has taken over who is maliciously creating unwarranted hurdles in putting stamp over the staff profile resulting into erroneous decision of WRC. 2.4 While deciding the case it has escaped attention of the WRC that On 2.8.2019, another Principal Mr. Anilkumar Kacchia was appointed, details of whom has been submitted to the university, who is having experience of more than 20 years and who have completed his Ph.D in 1990, who fulfils qualification prescribed by the NCTE therefore, the objection raised by the NCTE is beyond the scope of qualification prescribed in its regulations, it appears that university is not applying the qualifications so prescribed by NCTE vide its regulation 2014 but it seems that different and foreign criteria is being applied by the university, hence resulting to erroneous decision de hors the 2014 regulation which is bad in law. 2.5 As per clause 5.2 of 2014 regulation regarding qualification of principal as amended time to time which reads as under: Qualification: 5.2 The Faculty shall possess the following Qualification A. Principal/H.O.D. i. Postgraduate degree in Arts/Science/Social Science/ Humanities/ Commerce with minimum 55 marks and ii. M.Ed. with minimum 55 marks and iii. Ph.D. in Education or in any pedagogic offered in Institutions and iv. Eight years of teaching experience in a secondary Teacher Education Leadership. 2.6 Objection no. 1 and 4 where not raised in show cause notice, The objection No. 1 and objection no. 4 are contradictory because if the appointment order and experience of the concerned in charge Principal is seen, then he is having more than 8 years of experience as he has joined the services on 2.6.2007 and in 2019 he had completed continuous services of 12 with the applicant institution years who is

possessing necessary qualifications as prescribed under the regulation above referred, consequently the in charge Principal has been appointed as per the requirement of NCTE Act, therefore, alleged defect at the hands of appellant college is not sustainable at all, hence order is prima facie bad in law. Objection no 1 appears to be misreading of the documents because it is the qualification of incharge principal who will be discharging the duties in absence of the Principal, however he is otherwise qualified as a teaching staff.

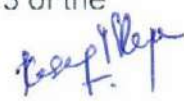
2.7 Point No 2 said issue was not raised in the show cause notice of 2011 or 2020 even though, WRC minutes/order of 09.11.2020 to 11.11.2020 faculty no. 7 to 10, even though they are fulfilling the requisite qualification as per NCTE norms of 2014 so prescribed as mentioned herein below B. Perspectives in Education or Foundation Courses: i. Postgraduate degree in social Science with minimum 55 Marks and ii. M.Ed. degree from a recognised university with minimum 55 marks or i. Postgraduate (M.A.) degree in Education with minimum 55 marks and ii. B.Ed./B.El.Ed. Degree with minimum 55 Marks. C. Curriculum and pedagogic Courses i. Postgraduate degree in Science/ Mathematics Social Science/ Languages with minimum 55 Marks and ii. M.Ed. Degree with minimum 55 Marks. Desirable: Ph.D. Degree in Education with Subject Specialisations. Same for which no reason are given yet condition in 'C' sub clause "Desirable" has been deleted in 2017. 2.8 Furthermore Regarding the point No 2 of WRC-NCTE minutes on 09.11.2020 to 11.11.2020 faculty no. 7 to 10, even though they are fulfilling the requisite qualification so prescribed as mentioned above same is not approved by the S P University being affiliating body for which reason are not given yet and is sitting tide over the files of such employees since last few years for the reasons best known to them, which indicates the bias, arbitrary, malicious, high handed, step motherly approach of the university towards the appellant. It is pertinent to note that clause "Desirable" has been removed / deleted in 2017 regulations. 2.9 Point no 3 of the said minutes/ order, such objections were never raised in the show cause notice. The subjects of fine Arts, health and physical education as per NCTE Norms, Sardar Patel University has prescribed the syllabus of B.Ed. for two Years course applicable with effect from December 2016 where in it is mentioned that there are eight (8) optional courses, student have to select any one subject out of this. In the 4th semester, most of the students selects the optional subject "School Organization and management", even there are Optional subjects like Guidance and counselling,

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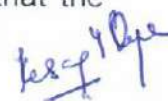
Environmental Education etc. This subjects are taught by regular faculty so prima facie no requirement to have a faculty like point 3 (Three) because students are not selecting such optional courses, however appellant college has selected and appointed the required staff for the subject matter, for which penal consequences cannot be meted to the appellant college for no fault on their part hence order is bad in law. 2.10 POINT 5: The objection regarding item no. 5 was not raised in show cause notice, is unsustainable in eye of law, it is not the fault of the appellant but it is the irregularity committed by the WRC of NCTE, for which the appellant cannot be punished. Furthermore, as per the 2014 Regulations, revised recognition is not required to be obtained by the "existing institution" but recognition has to be obtained by the "new institution" as per clause 3 & 8 of the 2014 regulation: Clause 3 : Applicability : These regulations shall be applicable to all matters relating to teacher education programmes for preparing norms and standards and procedures for recognition of institutions, commencement of new programmes, an addition to sanctioned intake in the existing programmes including the following namely:- (a) recognition for commencement of new teacher education programmes which shall be offered in composite institutions (b) permission for introduction of new programmes in existing teacher education intuitions duly recognized by the council (c) permission for additional intake in the existing teacher education programmers duly recognized by the council (d) permission for shifting or relocating of premises of existing teacher education institutions (e) Permission for closure or discontinuation of recognized teacher education programmes, or institutions as the case may be: Provided that for teacher education programmes offered through open and distance learning, the respective norms and standards for cash such learning programme shall be applicable. Clause 8: (1) New Teacher Education Institutions shall be located in composite institution and existing teacher educations shall continue to function as stand-alone institution and gradually move towards becoming composite intuitions. (2) (3) (4) (i) No Institution shall be granted recognition under these regulations unless the institution or society sponsoring the institution in possession require land on the date of application. The land free from all encumbrances could be either on ownership basis or on lease from Government institutions for a period of not less thirty years. In case where under relevant State or union territory laws the maximum permissible lease period is less than thirty years, the



state Government or Union territory administrative law shall prevail and in any case no building shall be taken on lease for running any teacher training programme. (ii) The society sponsoring the institution shall have to ensure that proposed teacher education institution has a well demarcated land area as specified by the norms. (iii) The Society sponsoring the institution shall be required to transfer and vest the title of land and building in the same of the institution within a period six months from the date issue of formal recognition order under sub-regulation (16) of regulation 7. However, in case, the society fails to do to local laws or rules or bye-laws, it shall intimate in writing with documentary evidence of its inability to do so. The Regional office shall keep this information on record and place it before the Regional committee for approval. (5) The institution or society shall furnished an affidavit on Rs 100 stamp paper duly attested, by oath commissioner or Notary Public stating the precise location of the land (Kharsa number, Village, district, State, Etc.), the total area in possession and the permission of the competent authority to use the land for educational purpose and mode of possession, i.e. ownership or lease in case of Government institution, the said affidavit shall be furnished by the Principal or the Head of the institution or any other higher authority. The affidavit shall be accompanied with the certified copy of land ownership or lease documents issued by the registering authority, permission of the competent authority to use land for educational purposes (and approved building plan) as per provision in sub-regulation (4) of regulations 5. (6) (7) . (8) At the time of inspection for new programme or enhancement of intake, visiting team shall also verify the facilities for existing teacher education programmes already accorded recognition by the Council and ascertain the fulfilment and maintenance of regulations and norms and standards for the existing programmes as well. (9) In case of change of premises, prior approval of the Regional Committee concerned shall be necessary, which may be accorded after due inspection of the institution at the new site. Application for change of premises, in the specified format along with the processing fee and other relevant documents shall be submitted by the institution inline to the Regional Office for prior approval of change or premises. The change may be permitted to a site which, if applied initially, would have qualified for establishment of an institution as per specified norms of Council. The change shall be displayed on website thereafter. (10) . (11) . (12) . (13) . (14) . 2.11 As per clause 3 of the



NCTE Regulations of 2014, only applies to the "new teachers education programme" or "to the institutes, which are seeking additional intake", It is not applicable to the "existing institution", however as per the advice of the NCTE, the appellant has "tendered his declaratory affidavit as per the requirement of 2014 Regulations", hence issue no. 5 is contrary to the Regulation dated 28.11.2014, hence order is bad in law. 2.12 Order of the Western Region Committee dated 23/26.07.2019 challenged before the Hon'ble High Court of Gujarat by way of Special Civil Application No. 13237 of 2019 wherein the Hon'ble High Court of Gujarat vide order dated 01.08.2019 had granted interim protection in favor of the appellant upon hearing the parties the appellate authority of the NCTE, vide its order dated 06.11.2019 was pleased to quash and set aside the impugned order dated 26/27.07.2019. Committee of the WRC has passed the operative order, which reads as under : Para 12: "Keeping in view of the above, the Committee decided that the withdrawal order No. RC/APW00520/ 323143/154/2011/83203/83209 dated 25.11.2011 stands" Para 13: Now therefore the withdrawal order No. RC/APW00520/ 323143/154/2011/83203/83209 dated 25.11.2011 issued by the WRC is confirmed" 2.17 Therefore while concluding the submission If the impugned order passed in the year 2020 and the order dated 25.11.2011 compared, the subjects of scrutiny was entirely different, are Comparison of 2 orders dated 25.11.2011 and 9th November to 11th November 2020 is as under: the reliance, which has been placed on order dated 25.11.2011 "to stand", which is on 3 counts Order dated 9-11 November 2020 contains following (i) registered lease deed, is not for the prescribed minimum period of 30 years, as required in the NCTE Regulation, 2002, (ii) the Institution had controverted clause 7(d) of the NCTE Regulation 2002, (iii) Documentary evidence of qualification and experience of the principal is not submitted. 1. The principal is not having the required 8 years teaching experience as per requirements and also the Ph.D. degree is under pursuing. 2. The faculty appointed as at Sr. 7 to 10 is not approved by the concerned affiliating body. 3. The institution has not appointed faculty for health & physical, Fine arts as per NCT Norms. 4. The appointment letter dated. 02.08.2019 of the Principal Dr. Anilkumar G. Kachhia has submitted but same is not approved by the affiliating body. 5. After promulgation of NCTE Regulation 2014 Revised recognition order from 1 year B.Ed. Programme has not been issued till date to the institution. Keeping in view of the above, the committee decided that the



withdrawal order No. WRC/APW00520/ 323143/154th/2011/83203-83209 Dated 25.11.2011 stands Now therefore the withdrawal order no. WRC/APW00520/ 323143/ 154th/2011/83203-83209 dated 25.11.2011 issued by the WRC is confirmed. Therefore, the impugned order passed by the authority in the year 2020 directing that the order dated 25.11.2011 would stand, is contrary to settled proposition of law, is illegal, Null and void. appeal before the National Council for Teacher Education Shri P.M. Patel College of Education (B.Ed.) versus National Council for Teacher Education, Western Region list of documents sr. no. Annexure particular page no. 1. A copy of the order dated 19.12.2020 severed on 26.12.2020 of WRC and a minutes of WRC meeting Held on 9th November 2020 to 11th November 2020. 2 B a copy of order passed by Hon'ble Court in Special Civil Application No. 7743 of 2012 on 11.04.2019 3 C A copy of show cause notice dated 13.02.2020 and final show cause notice dated 13.08.2020. 4 D A copy of said orders dated 16.7.2004 and 8.10.2004. 5 E A copy of order granting permanent affiliation. 6 F A copy of report given by selection committee, appointment letter issued by the petitioner, joining report of principal and approval given by Sardar Patel University and Subsequent annual extension of approval until date of retirement of principal i.e. 14.8.2010 to 31.5.2017 7 G A copy of the said staff profile. 8 H A copy of show cause notice dated 21.6.2011 and withdrawal order passed by the NCTE dated 25.11.2011. 9 I A copy of said order dated 19.3.2012 passed in appeal preferred by the petitioner. 10 J a copy of advertisement came to be published in newspaper on 20.3.2012. 11 K A copy document showing no vacant post of principal when resolution dt. 30.03.2012 was passed for implementation of amendment in NCTE Regulation. 12 L A copy of letter NCTE dated 02.04.2012. 13 M A copy of approval given by Sardar Patel University and subsequent annual extension of approval until date of retirement of principal i.e. 31.05.2017. 14 N A copy of said order dated 26.6.2012 passed in Special Civil Application no. 7743 of 2012. 15 O A copy of certificate as well as quality profile and covering letter dated 9.11.2015 16 P A copy of each appointment order and joining order of principal dated 22.06.2017. 17 Q A copy of staff profile of newly appointed principal. 18 R Staff Profile 19 S A copy of renewal lease deed of additional land renewal upto 5.11.2026 passed by the Chairman, AVKUDA and collector, anand. 20 S A copy of said staff profile 21 T A copy of staff profile of employee was produced before the authority on 3.11.2018 22 U A copy of order passed

Key/Step

by Hon'ble High Court of Gujarat on 04.12.2018. 23 V A copy of said representation made by dated 30.1.2019. 24 W A copy of writ issued upon the authority is produced herewith along with subsequent order dated 16.4.2019 25 X A Copy of order passed by the respondent WRC authority in the meeting dated 23-26.07.2019 26 Y A copy of order dated 01.08.2019 27 Z A copy of order dated 06.11.2019 28 AA A copy of order dated 21.01.2019 29 AB A copy of order dated 02.03.2020 and order dated 16.03.2020 30 AC A copy of the said published advertisement. 31 AD A copy of dated 13.02.2020 reply date 16.3.2020. 32 AE A copy of order passed on 18.03.2020 and order passed on 04.11.2020 passed in special civil application no. 6656 of 2020 33 AF A copy of order passed on 22.12.2020 passed in special civil application no. 16275 of 2020."

III. OUTCOME OF THE CASE:-

Appeal Committee noted that impugned order dated 19/12/2020 refers to and confirms earlier withdrawal order dated 25/11/2011 by which recognition for conducting B.Ed. programme was withdrawn. Appeal Committee in this regard refers to paras at serial no. 6 and 7 of the earlier Appellate order issued on 06/11/2019 which clearly state that withdrawal order dated 25/11/2011 and Appellate order dated 19/03/2012 have become ineffective and do not survive by virtue of an order of Hon'ble High Court dated 11/04/2019. In its order Hon'ble High Court inter-alia directed WRC to take a decision afresh.

2. Appeal Committee in its order dated 06/11/2019 mentioned that withdrawal order dated 25/11/2011 has become defunct. Resultantly any order to be issued by WRC after revisiting the case is required to be issued afresh.

3. 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."

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4. 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."

5. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 19.12.2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. WRC is required to consider the submissions made by appellant and issue a fresh speaking order expeditiously. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 19.12.2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Shree P.M. Patel College of Education (B.Ed.), Paiki, Bhalej Road, Anand, Gujarat to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The President, Shree P.M. Patel College of Education (B.Ed.), T.P. Scheme No. 3, Final Plot No. 3 Paiki+5 Paiki, Bhalej Road, Anand, Gujarat – 388001.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Gujarat, Gandhinagar.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-40/E-183783/2021 Appeal/17th Meeting, 2021
Appeal No. APPLWRC202113866

Narmada Shiksha Mahavidyalaya, 300, 301, Baldeobag, Ukhri Road, Eherital, Jabalpur, Madhya Pradesh – 482002 (APPELLANT)	<u>Vs</u>	Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075. (RESPONDENT)
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Representative of Appellant	Sh. Navneet Maheshwari, Chairperson
Respondent by	Regional Director, WRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Narmada Shiksha Mahavidyalaya, Baldeobag, Eherital, Jabalpur, Madhya Pradesh dated 06/01/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. WRC/APW04419/223517/B.Ed./322nd/M.P./2020/212804 dated 17.12.2020 of the Western Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "As per submitted faculty list, the faculty members appointed at Sr. 9, 10, 11, 12, 13 and 16 are not qualified as per NCTE Regulation 2014 and amended Regulation 09.06.2017. In view of the above, the Committee decided that recognition granted to the institution for B.Ed. course be withdrawn from the academic session 2021-2022."

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II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Navneet Maheshwari, Chairperson and Dr. Ashok Soni, Registrar, Narmada Shiksha Mahavidyalaya, Baldeobag, Eherital, Jabalpur, Madhya Pradesh presented the case of the appellant institution on 25/02/2021. In the appeal and during personal presentation it was submitted that "We had made efforts for the selection of the teachers under the new amended norms but as the University takes all interviews as well as appoints candidates on the basis of merit so it could not be interfered by us and the same list of selected candidates was submitted earlier. As per show cause notice we had again requested the university to start the fresh process of selection as per amended norms and notification dated 09-06-2017. But there was a delay on behalf of the University due to ongoing Corona pandemic. We had requested the Regional Council (WRC) to allow 6 months time for new selection process and due approval under code 28 from the university and a sworn affidavit was also submitted along with our reply. It seems our sworn affidavit was not considered. Also, it was not possible to appoint new teachers in present Corona epidemic period when everything was under lockdown this as well was not considered, and withdrawal order was passed against the institute. We have given an advertisement in prominent newspapers for fresh appointment after nod from the university that appointment process under code 28 will be possible now. Fresh appointment will be done as per NCTE regulation 2014 and amended regulation of 09.06.2017 which will clear all deficiencies. Appointments done as per norms and approved by university under code 28 will be submitted shortly."

2. The appellant, in a letter dt. 25/02/2021 requested for another opportunity to present their case with all papers. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the second opportunity to present their case.

3. Sh. Navneet Maheshwari, Chairperson and Dr. Ashok Soni, Registrar, Narmada Shiksha Mahavidyalaya, Baldeobag, Eherital, Jabalpur, Madhya Pradesh presented online the case of the appellant institution on 11/06/2021. Appellant by its email dated 11/06/2021 sought another opportunity to present its case before Appellate Authority. Appeal Committee, as per extant rules decided to grant another (third and final) opportunity to the appellant. Sh. Navneet Maheshwari, Chairperson, Narmada Shiksha

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Mahavidyalaya, Baldeobag, Eherital, Jabalpur, Madhya Pradesh presented the case of the appellant institution on 23/07/2021, i.e. the third and final opportunity granted to them.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The appellant submitted a list of 16 faculty members approved by Rani Durgavati University, Jabalpur in their letter dated 25/06/2021 for the academic session 2020-21. It is noted from the list that the lecturers, who were not qualified as per the NCTE Regulation, 2014, amended on 09/06/2017, have been replaced by duly qualified lecturers.

2. 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."

3. 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."

4. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned withdrawal order dated 17/12/2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to WRC with a direction to consider the list of faculty approved by the University on 25/06/2021, to be sent to them by the appellant and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the WRC the list of faculty approved by the

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University on 25/06/2021 within 15 days of receipt of orders on the appeal. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned withdrawal order dated 17/12/2020, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Narmada Shiksha Mahavidyalaya, Baldeobag, Eherital, Jabalpur, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Chairman, Narmada Shiksha Mahavidyalaya, 300, 301, Baldeobag, Ukhri Road, Eherital, Jabalpur, Madhya Pradesh – 482002.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-116/E-181158/2021 Appeal/17th Meeting, 2021
Appeal No. APPLSRC202113980

St. Johns College of Education, Pennathur, 352/3A, Nelvoy, Dharmavarm Road, Vellore, Tamil Nadu – 632011	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. A Vijayakumar, Managing Trustee
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of St. Johns College of Education, Pennathur, Nelvoy, Dharmavarm Road, Vellore, Tamil Nadu dated 12/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APSO3733/TN/B.Ed./2021 dated 08.01.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The land is in favour of A.Vijaya Kumar Rajasekar i.e, an individual which is not permissible as per clause 8 (4) (i) of NCTE Regulations, 2014. Other documents related to land such as building plan, NEC, CLU, BCC etc., cannot be accepted on the face of deficiency in land documents. As per Building Plan the size of M.P. HALL is 197 sq. mts. (2120 sq. ft.) whereas the BCC shows the size as 2484 sq. ft. The institute submitted ambiguous documents. The Building Plan submitted by the institute is not approved by the Competent Authority. Faculty is not approved by the

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affiliating body. Only 3 Assistant Professors have been appointed for perspective of Education against the requirement of 4. Only 15 faculty has been shown by the institute against the requirement of 16 under NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. A. Vijayakumar, Managing Trustee and Dr. K. Udhayakumari, Principal, St. Johns College of Education, Pennathur, Nelvoy, Dharmavarm Road, Vellore, Tamil Nadu presented online the case of the appellant institution on 11/06/2021. In the appeal and during personal presentation it was submitted that "Documents enclosed with Appeal Memoranda in English version (The land is in favour of S.K. Educational Trust only. Not in favour of Mr. A. Vijaya Kumar Rajasekar). Enclosed (other documents related to land is in favour of S.K Educational Trust only. Not in favour of Mr. A. Vijaya Kumar Rajasekar) Enclosed. Enclosed the Building Plan submitted by the institute is approved by the Competent Authority. Enclosed (copy of Faculty is approved by the affiliating body). Enclosed (4 Assistant Professors appointed for perspective of Education). Enclosed (16 Faculty is approved by the affiliating body)." Appellant further, during appeal hearing, requested for grant of another (second) opportunity to present its case with necessary documents. Appeal Committee, as per extant appeal rules, decided to grant another (second) opportunity. Sh. A Vijayakumar, Managing Trustee, St. Johns College of Education, Pennathur, Nelvoy, Dharmavarm Road, Vellore, Tamil Nadu presented the case of the appellant institution on 23/07/2021 i.e. the second opportunity granted to them.

III. OUTCOME OF THE CASE

The Committee noted that the appellant submitted various documents vis a vis the grounds mentioned in the withdrawal order. The documents furnished include a sale deed in favour of S.K. Educational Trust, building plan approved by village panchayat, an English version of Non Encumbrance Certificate, Land Use Certificate, a Building Completion Certificate issued by an Assistant Engineer, Panchayat Union on 13/11/2020 and Countersigned by Executive Officer, Village – Panchayat on 01/03/2021, showing a

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total built up area of 30, 756 sq. ft. and a faculty list of 16 persons approved by Tamilnadu Teacher Education University on 01/03/2021 and 10/03/2021.

2. 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."

3. 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."

4. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order of withdrawal dated 08/01/2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to SRC with a direction to consider the above-mentioned documents, to be sent to them by the appellant, and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal. Regional Committee is required to conclude the matter within 30 days of this appellate order.

III. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order of withdrawal dated 08/01/2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee

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and remand back the case of St. Johns College of Education, Pennathur, Nelvoy, Dharmavarm Road, Vellore, Tamil Nadu to the SRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Correspondent, St. Johns College of Education, Pennathur, 352/3A, Nelvoy, Dharmavarm Road, Vellore, Tamil Nadu – 632011.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Tamil Nadu, Chennai.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-117/E-181204/2021 Appeal/17th Meeting, 2021
Appeal No. APPLERC202113985

K.D. Teacher Training College, Malhet, Amtro, 326, 327, Gawan to Satgawan Road, Gawan, Giridih, Jharkhand – 815313 <u>(APPELLANT)</u>	<u>Vs</u>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012. <u>(RESPONDENT)</u>
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Representative of Appellant	Sh. Deepak Kr. Yadav, Representative
Respondent by	Regional Director, ERC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF REFUSAL

The appeal of K.D. Teacher Training College, Malhet, Gawan to Satgawan Road, Gawan, Giridih, Jharkhand dated 10/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC/234.9.36(Part-IV)/Application ID:7096/D.El.Ed./2016/51959 dated 31.03.2017 of the Eastern Regional Committee, refusing recognition for conducting for D.El.Ed. Course on the grounds that "Printout copy of online application submitted is not in prescribed format. Processing fee not submitted. No documentary proof submitted regarding submission of processing fee. As per the print put copy of the online application it is observed that application number is not available. The application is not appearing on the dashboard of the online NCTE portal due to which online process cannot be carried out."

Deepak Kr. Yadav

II. SUBMISSIONS MADE BY APPELLANT:-

The representative of K.D. Teacher Training College, Malhet, Gawan to Satgawan Road, Gawan, Giridih, Jharkhand presented online the case of the appellant institution on 11/06/2021. In the appeal and during online presentation appellant requested for another opportunity to present its case with necessary documents. Sh. Deepak Kumar Yadav, Representative presented the case of the appellant institution on 23/07/2021 i.e. the second opportunity granted to them.

III. OUTCOME OF THE CASE

The Committee noted that the appellant has not given any explanation whatsoever in support of their appeal made after four years. In the circumstances, the Committee concluded that the ERC was justified in issuing the refusal order dt. 31/03/2017 and therefore the appeal deserved to be rejected and the order of the ERC confirmed.

IV. DECISION:-

NOW THEREFORE, after perusal of the memorandum of appeal, affidavit, and the documents available on records, the Committee of the Council concluded that the ERC was justified in refusing recognition. The appeal deserved to be rejected and the order of the ERC is confirmed.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, K.D. Teacher Training College, Malhet, Amtro, 326, 327, Gawan to Satgawan Road, Gawan, Giridih, Jharkhand – 815313.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of Jharkhand, Ranchi.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-118/E-181329/2021 Appeal/17th Meeting, 2021

Appeal No. APPLERC202113977

Provadevi B.Ed. College, Barnia, 8602, Barnia Debagram Road, Tehatta, Nadia, West Bengal	<u>Vs</u>	Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751012.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Ms./Sh. Subrata Biswas, Representative
Respondent by	Regional Director, ERC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Provadevi B.Ed. College, Barnia, Debagram Road, Tehatta, Nadia, West Bengal dated 15/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-274.14.85/ERCAPP1757/B.Ed./2019/61297 dated 20.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds of non-submission of:- "Approved faculty list by the concerned affiliating body along with requisite documents. Approved building plan by the concerned competent Govt. Engineer/Authority. Approved building completion certificate by the concerned competent Govt. Engineer/Authority. FDRs towards Endowment fund and Reserve fund

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after conversion into joint operation mode as prescribed in the NCTE Regulations, 2014. Confirmation on website updates of the institutions with all details along with affidavit."

II. SUBMISSIONS MADE BY APPELLANT:-

No one from Provadevi B.Ed. College, Barnia, Debagram Road, Tehatta, Nadia, West Bengal appeared to present online the case of the appellant institution on 12/06/2021. In the appeal memoranda it was submitted that "On that time Secretary was ill and we were conducting the University semester examination of B.Ed. course as an exam-center of the affiliating body (WBUTTEPA) and consecutively also the board exam. of D.El.Ed. course. Secondly, we had already furnished all those required documents mentioned in the show cause during the 2nd time inspection of the NCTE for the additional course (D.El.Ed.) to become a composite institution earlier. We have all those said documentary evidence of the show cause available with us, few copies attaching with this appeal request."

2. The appellant, in an email letter dated 12/06/2021 requested for another opportunity for further representing their case. The Committee acceded to the request and decided to give the appellant another opportunity i.e. the third and final opportunity to present their case. Sh./Ms. Subrata Biswas, Representative, Provadevi B.Ed. College, Barnia, Debagram Road, Tehatta, Nadia, West Bengal presented the case of the appellant institution on 23/07/2021 i.e. the second opportunity granted to them.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that the appellant, with their letter dated 12/06/2021, forwarded a number of documents vis a vis the grounds of withdrawing recognition. These include, approved faculty list, approved building plan, Building Completion Certificate issued by Government Engineer, Land details, Funds details and website details.

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2. Appeal Committee decided that the matter deserved to be remanded to the ERC with a direction to consider the documents submitted in appeal, to be submitted to them by the appellant and call for any further documents, and take necessary action as per the NCTE Regulation, 2014. The appellant is directed to forward to the ERC all the documents submitted in appeal within 15 days of receipt of order on the appeal.

3. 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."

4. 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."

5. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 20/08/2019, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to ERC for revisiting the matter. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 20/08/2019, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the



case of Provadevi B.Ed. College, Barnia, Debagram Road, Tehatta, Nadia, West Bengal to the ERC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Provadevi B.Ed. College, Barnia, 8602, Barnia Debagram Road, Tehatta, Nadia, West Bengal – 741156.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date:19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-127/E-182610/2021 Appeal/17th Meeting, 2021
Appeal No. APPLSRC202113940

Pushpagiri College of Education, Cuddapah, Ukkayapalli, Pushpagiri Nagar, Kadapa, Cuddapah, Andhra Pradesh	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. M. Srinivasulu, Principal
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Pushpagiri College of Education, Ukkayapalli, Pushpagiri Nagar, Kadapa, Cuddapah, Andhra Pradesh dated 16/02/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS07638/B.Ed./{A.P.}/2021/124243-4250 dated 08.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Committee noted that the institution has not submitted any reply in response to the Final Show Cause Notice issued on 10.12.2019."

Basey 9/8/2021

II. SUBMISSIONS MADE BY APPELLANT:-

Pushpagiri College of Education, Ukkayapalli, Pushpagiri Nagar, Kadapa, Cuddapah, Andhra Pradesh was asked to present online the case of the appellant institution on 12/06/2021 but nobody from the institution appeared. In the appeal memoranda it was submitted that "Kindly refer to our letter dated:09-03-2016, 31-10-2018 and 24-12-2019 and accord permission for one basic unit." Sh. M. Srinivasulu, Principal, Pushpagiri College of Education, Ukkayapalli, Pushpagiri Nagar, Kadapa, Cuddapah, Andhra Pradesh presented the case of the appellant institution on 23/07/2021 i.e. the second opportunity granted to them. Appeal Committee as per extant appeal rules decided to give the appellant another opportunity i.e. the second opportunity to present their case.

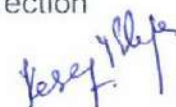
III. OUTCOME OF THE CASE

The Committee noted that the appellant, in their online appeal, merely drew attention to their earlier letters dt. 09/03/2016, 31/10/2018 and 24/12/2019 in which they requested SRC to accord permission for one basic unit. The appellant, in their letter dt. 24/12/2019 made a reference to SRC's communication dated 10/12/2019, which in fact is the final show cause notice issued to the appellant in which as many as 13 documents/details were called for.

2. The Committee also noted that the SRC's file does not indicate any action taken on the requests of the appellant for grant of one basic unit only. The Committee also noted that the appellant has not sent a reply to SRC to their final Show Cause Notice, covering all the grounds mentioned therein.

3. The Committee noted that the appellant, after filing their appeal online on 16/02/2021, sent a letter dt. 26/03/2021 to the Council with which they submitted a host of documents.

4. The Committee, noting that the SRC has not communicated any decision to the appellant on the request for reduction of intake and the appellant has now sent a number of documents, concluded that the matter may be remanded to the SRC with a direction



to consider the documents submitted in appeal, to be sent to them by the appellant as also the earlier requests of the appellant and take necessary action as per NCTE Regulation, 2014. The appellant is directed to forward to the SRC all the documents submitted in appeal, with originals thereof, wherever necessary, within 15 days of receipt of orders on the appeal.

5. 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."

6. 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."

7. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 08/03/2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to SRC for revisiting the matter. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated 08/03/2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the

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case of Pushpagiri College of Education, Ukkayapalli, Pushpagiri Nagar, Kadapa, Cuddapah, Andhra Pradesh to the SRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Principal, Pushpagiri College of Education, Cuddapah, Ukkayapalli, Pushpagiri Nagar, Kadapa, Cuddapah, Andhra Pradesh – 516002.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Amravati.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector 10, Dwarka, New Delhi-110 075

Date: 19/08/2021

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-135/E-182980/2021 Appeal/17th Meeting, 2021
Appeal No. APPLSRC202113991

Anjuman College of Education, Bhatkal, 352, Anjuman Abad, Bhatkal, North Kannada, Karnataka – 581320	<u>Vs</u>	Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
<u>(APPELLANT)</u>		<u>(RESPONDENT)</u>

Representative of Appellant	Sh. Mohammed Aftab, Secretary
Respondent by	Regional Director, SRC
Date of Hearing	23/07/2021
Date of Pronouncement	19/08/2021

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Anjuman College of Education, Bhatkal, Anjuman Abad, Bhatkal, North Kannada, Karnataka dated 23/03/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS01678/B.Ed/KA/394th/2021/124128-4135 dated 08.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "Institution has submitted notarized copy of 'Record of R.T.C.' The institution is required to submit certified copy of land documents. The purpose for which land is being used is not mentioned in the LUC. The survey no., site area and multipurpose hall area is not mentioned in the building plan. The institution has

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not submitted original blueprint of the building plan. The institution has not submitted notarized copy of BCC approved by the competent authority. The institution has not submitted Form "A" issued by the Branch Manager. The institution is required to submit Form "A" issued by the bank manager towards creation of FDR of Rs. 7 lakh & Rs. 5 lakhs towards Endowment Fund Minutes of 394th Meeting of the SRC held on 27th – 28th January 2021 Page 73 of 86 & Reserve Fund. The faculty list is submitted for eight faculty members, which is not sufficient for one basic unit of 50 students."

II. SUBMISSIONS MADE BY APPELLANT:-

Anjuman College of Education, Bhatkal, Anjuman Abad, Bhatkal, North Kannada, Karnataka was asked to present the case of the appellant institution on 12/06/2021 but nobody from the institution appeared. In the appeal memoranda it is submitted that "We are submitting land documents. We are submitting LUC educational purpose only. We are submitting original blueprint and the survey no site area and multipurpose hall area is mentioned in the building plan. We are submitting BCC. We are submitting FDRs and Form A. We are submitting faculty list."

2. Appeal Committee as per extant appeal rules decided to give the appellant another opportunity i.e. the second opportunity to present their case. Sh. Mohammed Aftab, Secretary, Anjuman College of Education, Bhatkal, Anjuman Abad, Bhatkal, North Kannada, Karnataka presented the case of the appellant institution on 23/07/2021 i.e. the second opportunity granted to them.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution and decided as under:-

The Committee noted that the appellant with their online appeal submitted a number of documents vis a vis the deficiencies/grounds mentioned in the withdrawal order. In these circumstances, Appeal Committee decided that the matter deserved to be remanded to the SRC with a direction to consider these documents, to be sent to them

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by the appellant, and take necessary action. The appellant is directed to forward to the SRC the documents, ensuring that they meet the requirements of the SRC and with originals thereof wherever necessary, within 15 days of receipt of orders on the appeal.

2. 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."

3. 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."

4. In compliance of the orders dated 08/04/2021 & 30/07/2021 of the Hon'ble High Court of Delhi in W.P. (C) Nos. 4382/2021 & 7260/2021 respectively, Appeal Committee decided to set aside the impugned order dated 08/03/2021, therefore, the institution is entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to SRC for revisiting the matter. Regional Committee is required to conclude the matter within 30 days of this appellate order.

IV. DECISION:-

NOW THEREFORE, after perusal of the Memoranda of Appeal, affidavit, documents on record and submissions made during online presentation of the appeal case, Appeal Committee of the Council concluded to set aside the impugned order dated to set aside the impugned order dated 08/03/2021, therefore, the institution is

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entitled to the benefits of recognition until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Anjuman College of Education, Bhatkal, Anjuman Abad, Bhatkal, North Kannada, Karnataka to the SRC, NCTE, for necessary action as indicated above.

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


(Mrs. Kesang Yangzom Sherpa)
Member Secretary

Copy to: -

1. The Secretary, Anjuman College of Education, Bhatkal, 352, Anjuman Abad, Bhatkal, North Kannada, Karnataka – 581320.
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi -110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka, Bengaluru.