



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. 89-205/E-192006/2020 Appeal/19th Meeting, 2021
Appeal No. APPLWRC202114070

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| Nabakrushna Choudhury College of Teacher Education, Hakimpada, Angul, Odisha – 759122 | <u>Vs</u> | Easter Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar – 751012 |
| <u>(APPELLANT)</u> | | <u>(RESPONDENT)</u> |

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|------------------------------------|----------------------------------|
| Representative of Appellant | Dr. Droupadi Patel, Principal |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 16/08/2021 |
| Date of Pronouncement | 19/08/2021 |

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Nabakrushna Choudhury College of Teacher Education, Hakimpada, Angul, Odisha dated 16/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-278.40/OR-S/E-7/96, APE00754 & ERCAPP1857/B.Ed./2020 dated 28/01/2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. course on the grounds that “list of teaching faculty is not duly approved by the affiliating body.”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Droupadi Patel, Principal, Nabakrushna Choudhury College of Teacher Education, Hakimpada, Angul, Odisha presented online the case of the appellant

[Signature]

institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "list of teaching faculty has been approved by affiliating body."

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 a College of Teacher Education conducting B.Ed. programme under the Government of Odisha. Appeal Committee further noted that in the State of Odisha, the teacher education institution are primarily under the control of Education Department of the State Government.

2. Appeal Committee further noted that appellant institution has enclosed with its appeal memoranda a faculty list containing the names of a Principal and 7 faculty approved by affiliating body i.e. Utkal University, Bhubaneswar. Appellant by its letter dated 17/07/2021 had requested restoration of recognition for one unit (50 seats).

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 28/01/2020, therefore, the institution is

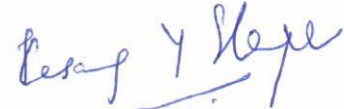
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entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee. The case of the institution is remanded back to ERC for revisiting the matter for restoration of recognition (of one unit) which is proportionate to the faculty appointed with the approval of affiliating body. Appellant institution is required to submit to ERC the list of faculty approved by affiliating body.

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 28/01/2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Nabakrushna Choudhury College of Teacher Education, Hakimpada, Angul, Odisha 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 Principal-In-Charge, Nabakrushna Choudhury College of Teacher Education, Hakimpada, Angul, Odisha – 759122.**
- 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 Odisha, Bhubaneswar.**



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. File No. 89-206/E-192010/2021 Appeal/19th Meeting, 2021
 Appeal No. APPLERC202114066

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| Nalini Devi Womens College of Teacher Education, Kharvelnagar 913, Bhubaneswar GPO, Bhubaneswar, Khurda, Odisha - 751001 <u>(APPELLANT)</u> | <u>Vs</u> | Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012 <u>(RESPONDENT)</u> |
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|------------------------------------|----------------------------------|
| Representative of Appellant | Dr. Nibedita Nayak, Principal |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 16/08/2021 |
| Date of Pronouncement | 19/08/2021 |

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Nalini Devi Womens College of Teacher Education, Kharvelnagar 913, Bhubaneswar GPO, Bhubaneswar, Khurda, Odisha dated 14/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-275.14.39/OR-S/E-8/96 & APE00555/B.Ed./2019/61362 dated 22.08.2019 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "the submitted faculty comprises of 1+8 instead of 1+15 required under NCTE Regulations, 2014. Two faculties appointed on contractual basis are not accepted. Website not maintained and updated. Reply vide letter dated 27.06.2019 from the institution seeking extension of time to comply the deficiencies is not accepted by the Committee."

Kesav Nayak

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Nibedita Nayak, Principal, Nalini Devi Womens College of Teacher Education, Kharvelnagar 913, Bhubaneswar GPO, Bhubaneswar, Khurda, Odisha presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "presently the college now appeals for intake of 50 B.Ed students(one unit) instead of 200 approved strength. Appeal is being made for permission to run with 50 students for the session 2021-23 Website maintained and updated <http://scertodisha.nic.in/ndwctebhubaneswar/>"

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appellant institution by its letter dated 19/07/2021 has requested for restoration of recognition for one unit (50 seats). Appeal Committee further noted the submissions made by appellant during the course of appeal hearing. Appellant institution is conducting B.Ed. programme under the aegis of Government of Odisha. Appellant during appeal hearing informed that the government has now completed the process of selection and appointment of faculty, found deficient, has been completed. Appellant institution is required to submit to ERC with 15 days the list of faculty and the printout of website pages.

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."

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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 22/08/2019, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 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 for restoration of recognition (of one unit) which is proportionate to the number of faculty appointed with the approval of affiliating body. Appellant institution is required to submit to ERC the list of faculty approved by affiliating body

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 22/08/2019, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Nalini Devi Womens College of Teacher Education, Kharvelnagar 913, Bhubaneswar GPO, Bhubaneswar, Khurda, Odisha 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 Principal, Nalini Devi Womens College of Teacher Education, Kharvelnagar 913, Bhubaneswar GPO, Bhubaneswar, Khurda, Odisha – 751001.
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 Odisha, Bhubaneswar.



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. File No. 89-209/E-192105/2021 Appeal/19th Meeting, 2021
 Appeal No. APPLERC202114073

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| Dibakar Patnaik Institute of Advanced Studies in Education, Kanisi, 285, Haldiapadar, Ganjam, Odisha – 760008 | <u>Vs</u> | Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012 |
| <u>(APPELLANT)</u> | | <u>(RESPONDENT)</u> |

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| Representative of Appellant | Dr. Debendra Kumar Sethi, Principal |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 16/08/2021 |
| Date of Pronouncement | 19/08/2021 |

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dibakar Patnaik Institute of Advanced Studies in Education, Kanisi, 285, Haldiapadar, Ganjam, Odisha dated 15/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-278.6/(OR-S/E-11/96 & ERCAPP1886)/B.Ed./2020/62142 dated 28.01.2020 of the Eastern Regional Committee, withdrawal recognition for conducting for B.Ed. Course on the grounds that "faculty list is not duly approved by the concerned affiliating body. Teaching faculty comprises 1+8 as against the requirement of 1+15 for running two units of B.Ed. course as per NCTE Regulation, 2014. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-2021."

As per

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Debendra Kumar Sethi, Principal, Dibakar Patnaik Institute of Advanced Studies in Education, Kanisi, 285, Haldiapadar, Ganjam, Odisha presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "the list of faculties has been increased for one unit (50) of B.Ed. course and requested for restoration 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 is College of Teacher Education conducting B.Ed. course under the aegis of Government of Odisha. Appeal Committee further noted that in the State of Odisha, teacher education is primarily the concern of Education Department of the State Government.

2. Appeal Committee further noted that appellant institution during the course of appeal hearing apprised that now they have adequate number of faculty for conducting the programme with an intake of one unit (50 seats). Appeal Committee decided that appellant institution is required to submit to ERC within 15 days of the issue of appeal order the list of faculty approved by the affiliating University.

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."

Dr. Debendra Kumar Sethi

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 28.01.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 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 for restoration of recognition (of one unit) which is proportionate to the number of faculty appointed with the approval of affiliating body. Appellant institution is required to submit to ERC the list of faculty approved by affiliating body.

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 28/01/2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Dibakar Patnaik Institute of Advanced Studies in Education, Kanisi, 285, Haldiapadar, Ganjam, Odisha 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 Associate Professor in Education, Dibakar Patnaik Institute of Advanced Studies in Education, Kanisi, 285, Haldiapadar, Ganjam, Odisha – 760008.
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 Odisha, Bhubaneswar.



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. 89-210/E-192100/2021 Appeal/19th Meeting, 2021
Appeal No. APPLERC202114074

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| Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha – 768001 <u>(APPELLANT)</u> | <u>Vs</u> | Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012 <u>(RESPONDENT)</u> |
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| Representative of Appellant | Dr. Dibaikar Sarangi, Associate Professor |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 16/08/2021 |
| Date of Pronouncement | 19/08/2021 |

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha dated 17/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-283.3/(OR-S/E-12/96)/B.Ed./2020/162990 dated 08.09.2020 of the Eastern Regional Committee, withdrawal recognition for conducting for B.Ed. Course on the grounds that "total 1+8 teaching faculty list has been submitted against the requirement of 1+15 and no teachers have been appointed for Physical Education, Music/Fine Arts/Performing Arts etc. as per Appendix-4 of Regulation, 2014/Norms & Standards. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2021-22."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Dibaikar Sarangi, Associate Professor, Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha

[Signature]

presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "request a reference to the letter of Principal Secretary to Govt. of Higher Education, Govt. of Odisha bearing No. 27176 Dt. 13/7/2021 to the Member Secretary, NCTE, New Delhi. Govt. of Odisha has reconfigured staff position in teacher education institution by transfer and posting of faculty members. This institution has now 1+7 faculty members and hence can run one unit of bed course in 2021-22 session. Hence it is prayed that recognition for 1 unit of B.Ed. programme may be restored/granted in favour of Dr. Parasuram Mishra Institute of Advanced Study in Education, Sambalpur [Dr. PM IASE, Sambalpur], Odisha."

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 a College of Teacher Education conducting B.Ed. programme under the aegis of Government of Odisha. Appeal Committee further noted that in the State of Odisha, teacher education is the primary concern of the State Government.

2. Appeal Committee noted that appellant in its appeal memoranda has stated that the Government of Odisha has reconfigured staff position in teacher education institutions and it has now 1 + 7 faculty members adequate enough for conducting the programme with an intake of one unit (50 seats).

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."


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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 08/09/2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 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 for restoration of recognition (of one unit) which is proportionate to the number of faculty appointed with the approval of affiliating body. Appellant institution is required to submit to ERC the list of faculty approved by affiliating body.

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 08/09/2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha 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 Associate Professor, Dr. Parsuram Mishra Institute of Advanced Study in Education, Motijharan, BSS Nagar, Motijharan, Sambalpur, Odisha – 768001.
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 Odisha, Bhubaneswar.



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. 89-211/E-192103/2021 Appeal/19th Meeting, 2021
Appeal No. APPLERC202114072

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| College of Teacher Education, Bagbrundaban, 257, Head Post Office, Balasore, Vivekananda Marg, Balasore, Odisha – 756001 <u>(APPELLANT)</u> | <u>Vs</u> | Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012 <u>(RESPONDENT)</u> |
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|------------------------------------|-------------------------------------|
| Representative of Appellant | Dr. Harekrushna Sahoo, Principal |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 16/08/2021 |
| Date of Pronouncement | 19/08/2021 |

ORDER

I. GROUND OF WITHDRAWAL

The appeal of College of Teacher Education, Bagbrundaban, 257, Head Post Office, Balasore, Vivekananda Marg, Balasore, Odisha dated 16/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-278.56/OR-S/E-1/1996/B.Ed./2020/62150 dated 28.01.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "04 Guest faculties appointed is not permitted as per NCTE Regulation, 2014. Faculty list uploaded on the institutional website who are not qualified as per NCTE Regulation, 2014. Requisite information of the institutional website has not updated as per clause 7(14)(i)

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of the NCTE Regulation, 2014. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Harekrushna Sahoo, Principal of College of Teacher Education, Bagbrundaban, 257, Head Post Office, Balasore, Vivekananda Marg, Balasore, Odisha presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "The guest faculties have already been disengaged. Regular faculties have been posted. The faculties whose list uploaded on the institution website, are qualified & have been appointed by Govt. of Odisha duly selected by Odisha Public Service Commission, Odisha. They are all regular faculties having more than 20 years of experience in Government Service. (ii) further, initiatives have been taken by requesting OPSC, Odisha by Higher Education Department for recruitment of 385 Assistant Professors in Teacher Education institutions. Also, the Principal Secretary to Govt., Department of Higher Education requested the Member Secretary, NCTE, New Delhi for condonation of delay in filing appeal application by TEIS of Odisha. [Annexure-5 (i) & (ii)]. Requisite information of the institutional website has been updated as per clause 7(14) (i) of the NCTE Regulation 2014. (refer to <http://scertodisha.nic.in/ctebalasore>)."

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 a College of Teacher Education conducting B.Ed. programme under the Government of Odisha. Appeal Committee noted that in the State of Odisha, the teacher education institutions are primarily under the control of Education Department of State Government.

2. Appeal Committee further noted that appellant institution with its appeal memoranda has enclosed a List of faculty containing the names of one Principal and

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seven faculty approved by affiliating body. Further the appellant has requested for restoration of recognition for one unit (50 seats).

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 28.01.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 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 for restoration of recognition (of one unit) which is proportionate to the number of faculty appointed with the approval of affiliating body. Appellant institution is required to submit to ERC the list of faculty approved by affiliating body.

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 28.01.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case

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of College of Teacher Education, Bagbrundaban, 257, Head Post Office, Balasore, Vivekananda Marg, Balasore, Odisha 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 Principal, College of Teacher Education, Bagbrundaban, 257, Head Post Office, Balasore, Vivekananda Marg, Balasore, Odisha – 756001.
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 Odisha, Bhubaneswar.



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. 89-213/E-192360/2021 Appeal/19th Meeting, 2021
Appeal No. APPLERC202114076

| | | |
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| Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha – 753001 | <u>Vs</u> | Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012 |
| <u>(APPELLANT)</u> | | <u>(RESPONDENT)</u> |

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|------------------------------------|------------------------------------|
| Representative of Appellant | Dr. Satya Narayan Panda, Principal |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 16/08/2021 |
| Date of Pronouncement | 19/08/2021 |

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha dated 20/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-274.14.11/(APE00550)/B.H.Ed./2020/63176 dated 13.10.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "faculty list is not as per NCTE Regulations, 2014. Faculty list comprises 1+7 as against the requirement of 1+15 as per NCTE Regulations, 2014. Recognition granted to B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the academic session 2020-2021."

Kesav 18/8/21

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Satya Narayan Panda, Principal, Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "as NCTE Regulation 2014 for 100 seats (1+15) faculty required but we are having (1+6) faculty on regular mode available, so at least approve 50 seats for this session 2021-22 this institute is only imparting Hindi B.Ed. in Odisha State."

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 submitted with its appeal memoranda a copy of list of faculty. Appellant has also submitted copy of a letter dated 13/07/2021 of the Department of Higher Education wherein appellant institution has been asked to rectify the deficiencies and prefer appeal. Appeal Committee noted that Teacher Education Institution in the State of Odisha function under the aegis of Government of Odisha which the appointing authority for the faculty.

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

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decided to set aside the impugned order dated 13.10.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 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 for restoration of recognition (of one unit) which is proportionate to the number of faculty appointed with the approval of affiliating body. Appellant institution is required to submit to ERC the list of faculty approved by affiliating body.

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 13.10.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case of Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha 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 Principal, Hindi Teachers Training Institute, Buxi Bazar, Block No. 29, Old Secretariat, Cuttack, Odisha – 753001.
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 Odisha, Bhubaneswar.



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. 89-217/E-192522/2021 Appeal/19th Meeting, 2021
 Appeal No. APPLERC202114078

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| Radhanath Institute of Advanced Studies in Education, Sahebzada Bazar, 1457, Chandini Chowk, Bhasakosa Lane, Cuttack, Odisha – 753002 <u>(APPELLANT)</u> | <u>Vs</u> | Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012 <u>(RESPONDENT)</u> |
|--|------------------|---|

| | |
|------------------------------------|--|
| Representative of Appellant | Dr. Uttamkanti Jena, Associate Professor |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 16/08/2021 |
| Date of Pronouncement | 19/08/2021 |

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Radhanath Institute of Advanced Studies in Education, Sahebzada Bazar, 1457, Chandini Chowk, Bhasakosa Lane, Cuttack, Odisha dated 21/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-278.4/(OR-S/E-10/96)/B.Ed./2020/62158 dated 28.01.2020 of the Eastern Regional Committee, withdrawing recognition for conducting for B.Ed. Course on the grounds that "to offer 03 basic units, a total of 24 teaching faculty members has not been appointed but institution has submitted a list of 1+5 faculty members. Built up area mentioned in the Building

Reserve

Completion Certificate (BCC) as 4500 Sq. ft., which is less than that of 3000 Sq. Mts. as the institution is running 03 units of B.Ed. and 01 unit of M.Ed. course as per NCTE Regulation, 20 14. Building Plan (BP) duly signed by the Govt. competent authority has not submitted. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Uttamkanti Jena, Associate Professor, Radhanath Institute of Advanced Studies in Education, Sahebzada Bazar, 1457, Chandini Chowk, Bhasakosa Lane, Cuttack, Odisha presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "the Govt. of Odisha, Dept. of Higher Education have moved to OPSC for appointment of teaching staff. At present 7 members of teaching staff have been appointed to one unit of B.Ed. secondly the college has built up area of 45000 sq.m."

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 a Teacher Education institution conducting B.Ed. programme under the aegis of Government of Odisha. Further the appellant has submitted a list of faculty adequate for conducting the programme with a basic unit of 50 seats. Appellant has further clarified that built up area is 4500 sq. meters and the unit of measurement as feet was wrongly mentioned earlier.

2. Appeal Committee noted that appellant institution is a Government run institution and has requested for 1 unit (50 seats) of B.Ed. programme, Appeal Committee decided that appellant institution is required to submit to ERC within 15 days of the issue of appeal order copy of the documents i.e. (i) List of faculty and (ii) Building Plan and (iii) Building Completion Certificate.

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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 28.01.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 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 for restoration of recognition (of one unit 50 seats) which is proportionate to the number of faculty appointed with the approval of affiliating body. Appellant institution is required to submit to ERC (i) list of faculty approved by affiliating body (ii) Building Plan and (iii) Building Completion Certificate.

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 28.01.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulations, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case

[Signature]

of Radhanath Institute of Advanced Studies in Education, Sahebzada Bazar, 1457, Chandini Chowk, Bhasakosa Lane, Cuttack, Odisha 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 Principal, Radhanath Institute of Advanced Studies in Education, Sahebzada Bazar, 1457, Chandini Chowk, Bhasakosa Lane, Cuttack, Odisha – 753002.
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 Odisha, Bhubaneswar.



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. 89-219/E-193007/2021 Appeal/19th Meeting, 2021
Appeal No. APPLERC202114069

| | | |
|---|------------------|---|
| College of Teacher Education, Balangir, Patnagarh Road, Balangir, Odisha – 767001 | <u>Vs</u> | Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneswar - 751 012 |
| <u>(APPELLANT)</u> | | <u>(RESPONDENT)</u> |

| | |
|------------------------------------|--------------------------------|
| Representative of Appellant | Dr. Gitanjali Padhi, Principal |
| Respondent by | Regional Director, ERC |
| Date of Hearing | 16/08/2021 |
| Date of Pronouncement | 19/08/2021 |

ORDER

I. GROUNDS OF WITHDRAWAL

The appeal of College of Teacher Education, Balangir, Patnagarh Road, Balangir, Odisha dated 16/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. ER-278.51/(OR-S/E6/96&APE00346)/B.Ed./2020/62160 dated 28.01.2020 of the Eastern Regional Committee, withdrawal recognition for conducting for B.Ed. Course on the grounds that “list of teaching faculty duly approved by the affiliating body has not submitted. The institution has not submitted proper Building Plan (BP) mentioning the plot No., total land area and total built up area. Extension of time for construction of building is not permitted as per Regulation. (iv) Requisite information of the institutional website has not updated as per clause 7(14)(i) of the NCTE Regulation, 2014. Hence, B.Ed. course is withdrawn under section 17(1) of NCTE Act, 1993 from the next academic session 2020-21.”

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II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Gitanjali Padhi, Principal, College of Teacher Education, Balangir, Patnagarh Road, Balangir, Odisha presented online the case of the appellant institution on 16/08/2021. In the appeal and during personal presentation it was submitted that "deficiencies of teaching faculties has been complied by posting of lecturers/professors to the institution. Construction of buildings have been completed with all other infrastructure. As per NCTE norms college website updated."

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 a Teacher Education Institution conducting B.Ed. programme under the aegis of Government of Odisha. Appeal Committee noted that the State Government of Odisha by its letter dated 13/07/2021 addressed to NCTE has informed that recruitment process of faculty got delayed due to covid pandemic and required number of teachers will be made good by redeployment.

2. Appellant further informed that construction of building has been completed with infrastructure. Appeal Committee decided that appellant institution is required to submit to ERC within 15 days of the issue of appeal order list of faculty approved by affiliating University and Building Completion Certificate (B.C.C.).

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"

Key Note

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 28.01.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulation, 2014 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 after the appellant institution submits the list of faculty approved by affiliating University and a Building Completion Certificate.

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 28.01.2020, therefore, the institution is entitled to the benefits of recognition proportionate to the number of faculty as per NCTE Regulation, 2014 until a fresh withdrawal order is passed by the Regional Committee and remand back the case of College of Teacher Education, Balangir, Patnagarh Road, Balangir, Odisha 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 Principal, College of Teacher Education, Balangir, Patnagarh Road, Balangir, Odisha – 767001.
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 Odisha, Bhubaneswar.