



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-82/E-156554/2020 Appeal/3rd Meeting, 2022
APPLERC202013612**

Swami Vivekananda College of Education for Women, 20, Riverside Road, Barrackpore Cantonment Board, North 24-Pargana West Bengal – 700120 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mrs. Madhumita Chatterjee, (HOD)
Respondent by	Regional Director, ERC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF APPEAL

The Appeal Committee noted that the appeal of appellant institution i.e. **Swami Vivekananda College of Education for Women, 20, Riverside Road, Barrackpore Cantonment Board, North 24-Pargana West Bengal – 700120** dated 08/03/2020 filed under Section 18 of NCTE Act, 1993 against the Order No. ERC-279.33/APE00532/B.Ed./2020/62421 dated 26.02.2020. of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "FDRs of Rs. 5 lakh and Rs. 7 lakhs are not submitted. The khata No. /Plot No. and total built up area earmarked for the course duly signed by the Competent

Atty

Authority is not submitted. Building Completion Certificate (BCC) in the prescribed proforma mentioning the khatta no. / Plot No. and total built up area duly signed by the Competent Authority is not submitted" was disposed of vide Appellate Order No. 89-82/E-156554/2020 Appeal/13th Mtg. -2020/27th July, 2020 dated 15/09/2020. Aggrieved by the Appellate Order dated 15/09/2020, the appellant filed a **Writ Petition (C) No. 9690/2021** in the **Hon'ble High Court of Delhi at New Delhi** and the Hon'ble Court by order dated **12.01.2022** directed as under:

"The petitioners were granted recognition for B.Ed. degree by the respondent No.2-Eastern Regional Committee ["ERC"] of the respondent No.1-National Council for Teacher Education ["NCTE"] on 08.12.2006. The recognition came to be withdrawn on 26.02.2020, which was challenged before the Appellate Committee of the NCTE under Section 18 of the NCTE Act, 1993. The Appellate Committee affirmed the order of withdrawal by an order dated 10-15.09.2020. The present writ petition is directed against the aforesaid orders dated 26.02.2020 and 10-15.09.2020. The order of the Appellate Committee dated 10-15.09.2020 is, therefore, set aside, and the matter is remanded to the Appellate Committee of the NCTE for reconsideration. The Appellate Committee will communicate the date of the hearing to the petitioners and also to Mr. Mayank Manish, learned counsel for the petitioners. The aforesaid process be completed within two months from today. It is made clear that this Court has not gone into the merits of the contentions of the parties. The writ petition, alongwith pending application, is disposed of with these directions".

II. SUBMISSIONS MADE BY APPELLANT:-

In compliance with the order dated 12.01.2022 passed by the Hon'ble High Court of Delhi, **Mrs. Madhumita Chatterjee (HOD), Swami Vivekananda College of Education for Women, 20, Riverside Road, Barrackpore Cantonment Board, North 24-Pargana West Bengal – 700120** was asked to appear online before the Appeal Committee to present the case of the appellant institution on 23/03/2022. In the appeal Memoranda and during personal presentation the appellant submitted that "We replied to the previous notice as dated 21/02/2019 mentioned in the withdrawal notice u/s 17 (1) and we have all papers ready as mentioned in the withdrawal order."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the Hon'ble High Court of Delhi by order dated 21.01.2022 has set aside the Appellate Order dated 10.09.2020 and remanded the matter back to the Appellate Committee of the NCTE for reconsideration.

Appeal Committee noted that in compliance with the said court order, a copy of letter dated 16.03.2022, inviting appellant institution to appear before the Appeal Committee on 23.03.2022 by virtual mode (online) to present the case was endorsed to the petitioner's learned counsel Sh. Mayank Manish and sent on his email mayankmanish1202@gmail.com

The Appeal Committee after reconsidering the matter has observed that the total Built-Up area of 844 Sq.Mtrs. as shown in the BCC signed by Assistant Engineer (Acting), North Barrackpore Municipality is less than the required built-up area as per Regulations, 2014. NCTE Regulation, 2014 Para 6 of Appendix-4 of Norms and standards for B.Ed. programme prescribes minimum built-up area. Clause 8(11) of NCTE Regulation, 2014 prescribes that as and when there is a change in the regulations, existing institution will be required to comply with the revised norms and standards. Particularly the built-up area related condition must be complied. Further, the building plan submitted with the Memoranda of Appeal is signed and approved by a retired Assistant Engineer who can not be a Competent Authority. Further, the appellant institution do not possess the required faculty to run the course in question.

Noting the submissions made by the appellant and in view of the circumstances mentioned above, the Appeal Committee decided to re-confirm its earlier Appellate Order dated 10-15.09.2020.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to re-confirm its earlier Appellate Order dated 10-15.09.2020.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Swami Vivekananda College of Education for Women, 20, Riverside Road, Barrackpore Cantonment Board, North 24-Pargana West Bengal – 700120
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal.





**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-185/E-189291/2021 Appeal/3rd Meeting, 2022
APPL12730**

Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050 APPELLANT	<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. Arvind H. Patel (Secretary)
Respondent by	Regional Director, WRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The Appeal Committee noted that the appeal of appellant institution i.e. **Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050** dated 05/09/2018 filed under Section 18 of NCTE Act, 1993 against the Order No. **WRC/APW02538/323284/Guj./293rd/2018/198723** dated 22.06.2018. of the Western Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The case file was seen, Consequent to the issue of Revised Recognition order, Show Cause Notice dated 29.08.2016 was issued followed by compliance letter dated 01.08.2017. The institution replied vide letter dated 30.01.2018 and has submitted the staff profile of (1+6) approved by the Registrar. However, the list is not submitted in original. The Building Completion Certificate indicates that the

building is under construction. The institution has not submitted additional FDRs for 4 Lakhs. Hence, Recognition is withdrawn from the session 2018-19. FDRs, if any, be returned." Was disposed of by Appellate Order dated 02.09.2021. Aggrieved by the said Appellate Order dated 02.09.2021, the appellant institution filed a Writ Petition (C) No. 9522/2022 in the Hon'ble High Court of Delhi at New Delhi and Hon'ble Court by order dated 23.02.2022 directed as under:"

The petitioners have approached this Court assailing the order dated 22.06.2018 passed by the respondent no.2 whereby their recognition for running the B.Ed. course with 100 seats has been withdrawn. The petitioners also assailed the consequential order dated 02.09.2021 vide which their appeal against the order dated 22.06.2018 has been rejected by the respondent no.1 on the ground of delay. Learned counsel for the petitioners submits that the appellate order has only been passed on the ground that the petitioners submitted a hardcopy of the online appeal much beyond the period of limitation. He submits that the said finding is erroneous as a hardcopy of the online appeal was duly submitted to the respondent no.1, through courier within two days of filing of the online appeal. Moreover, the petitioner institute has been running since 2007, which aspect has also been ignored by the Appellate Committee, while rejecting the petitioner's appeal on the ground of delay. The Appellate order dated 02.09.2021 is, therefore unsustainable and is, accordingly, set aside. The matter is remand back to the respondent no.1 to decide the petitioner's appeal afresh within four weeks by taking into account the documents filed by the petitioner depicting that the deficiency existing at the time of passing of the withdrawal order already stood cured in September 2018 itself. Needless to state, in case, the petitioner is still aggrieved by any orders passed by the respondents, it will be open for the petitioner to seek legal recourse as permissible in law.

II. SUBMISSIONS MADE BY APPELLANT:-

In compliance with the order dated 23.02.2022 passed by the Hon'ble High Court of Delhi, Sh. Arvind H. Patel (Secretary), Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050 was asked to appear before the Appeal Committee (online) to present the case of the appellant institution on 23/03/2022. In the appeal



Memoranda and during personal presentation the appellant submitted that "The institution submitted the following alongwith Appeal Memorandum dated 26/06/2021: Copy attached."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant alongwith Memoranda of appeal has submitted photocopy of list of faculty (16 members) approved by the Registrar (I/C) of the Affiliating Body on 28.9.2018, undated and unnotarized Building Completion Certificate signed by Deputy Executive Engineer, Panchayat (R&R), Sub-Division, Dharamput and photocopy of FDRs Rs. 7 and 5 Lakh issued by Union Bank of India.

Appeal Committee noted that though the list of faculty has been submitted by the appellant but not in original as required to be submitted. Further, the submitted BCC not notarised. Moreover, the undated BCC creates confusion as to when the building was complete. If it was available prior to withdrawal order, then why the appellant institution did not submit the same to WRC with reply to SCN.

In these circumstances, the appeal committee decided that the WRC was justifying in withdrawing recognition. Hence, the appeal of the appellant institution deserves to be rejected and confirmed the impugned order issued by WRC.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the WRC was justifying in withdrawing recognition. Hence, the appeal of the appellant institution deserves to be rejected and confirmed the impugned order issued by WRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Shree Vestabhai H. Patel College of B.Ed., Kangavi, Bachala Faliya Street, Dharampur, Gujarat – 396050
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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-72/E-245161/2022 Appeal/3rd Meeting, 2022
APPLNRC202114283**

Sunaina Devi Smarak Shikshan Prashikshan Sansthan, Vill- dundi, Post-Amaniganj, Tehsil- Milkipur, Dundi 244 Amaniganj, Milkipur, Faizabad Uttar Pradesh-224121 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Mr. Puneet Kumar (Clerk)
Respondent by	Regional Director, NRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Sunaina Devi Smarak Shikshan Prashikshan Sansthan, Vill-dundi, Post-Amaniganj, Tehsil-Milkipur, Dundi 244 Amaniganj, Milkipur, Faizabad Uttar Pradesh-224121** dated 15/02/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. NRC/NCTE/NRCAPP-7631/338th (Part-2) Meeting/2021/215181 dated 10.08.2021. of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted latest faculty list approved & signed on each page by concerned affiliating body in original with the details teaching subject, date of birth, date of selection, date of

joining, academic qualifications, teaching experience, NET / Ph.D., salary structure and related documents duly attested by authorized management representative. The institution has submitted staff list 8+9 17 faculty members approved by Dr. Ram Manohar Lohiya Awadh University, Faizabad issued on 09.02.2017 & 20.12.2018, which is not acceptable as per NCTE Regulations, 2014. A self-attested copy of faculty list also submitted which is not approved by the concerned affiliating University. After examination, it is found that the faculty members indicating at Sr. No. 10 & 13 do not have required 55 marks in postgraduate. The institution has submitted proof of composite for running B.A. and B.Sc. programme mentioning the college name "Late Babu Indra Bahadur Singh Smarak Mahavidyalaya, Dundi Amaniganj, Faizabad, Uttar Pradesh" but the actual name of the applicant institution is "Sunaina Devi Smarak Prashikshan Sansthan" which doesn't match. Only photocopy of FDRs of Rs. 4 lakh, 5 lakh and 3 lakhs in Joint Name of RD, NRC submitted. The FDRs have already matured and renewal of the same is required. The institution has not submitted NOC of the affiliating body. Building safety certificate from the competent government authority has not been submitted."

II. SUBMISSIONS MADE BY APPELLANT:-

**Mr. Puneet Kumar (Clerk), Sunaina Devi Smarak Shikshan Prashikshan Sansthan, Vill-
dundi, Post-Amaniganj, Tehsil-Milkipur, Dundi 244 Amaniganj, Milkipur, Faizabad Uttar
Pradesh-224121** appeared online to present the case of the appellant institution on 23/03/2022. In the appeal Memoranda it is submitted that "NRC has rejected the application of the appellant institution pointing out certain deficiencies at Sr. No. 3(i) to (ii) of the impugned refusal order regarding faculty appointed in appellant institution and approval thereof from the affiliating university. Issue of faculty, has already been decided by the Hon'ble Court vide its aforesaid judgment and 11.04.2019, and has observed that the faculty of appellant institution is eligible, and requirements stipulated in subsequently amended Regulations of Respondents, do not apply to the appellant institution in view of the submission of application by the appellant institution only in the year 2012. Also, in none of its Show Cause Notices any specific points regarding the deficiency of any qualification qua the facilities were raised by NRC. Two of the existing facilities having less percentage as pointed out by the NRC refusal order regarding Sr. No.10 & 13 are being replaced and accordingly appellant institution has advertised in newspaper for appointment of additional faculty and submitted a letter dated 18.11.2021 to the affiliating university requesting to nominate the subject experts to proceed further. A true translated copy of letter dated 18.11.2021 of the appellant institution and advertisement issued in Hindi Daily is annexed. So far as the deficiency



pointed out by the NRC at Sr. No. 3 (iii) of the impugned refusal order regarding the name of the appellant institution is concerned, it is submitted that the NRC failed to observe that the appellant institution in response to the Show Cause Notices to it, had already informed the NRC that the sponsoring society of appellant institution in its meeting held on 15.12.2012 i.e., prior to submission of application before the NRC, had decided to change the name of appellant institution and accordingly, the application of the appellant institution was submitted to the NRC with its changed name and also the NRC issued the letter dated 12.12.2013 to the appellant institution for conducting the inspection of appellant institution for conducting the inspection of appellant institution with the said name. Also, it is relevant to state that the NCTE in identical cases has allowed the institutions with different name running different courses but in same society. A true translated copy of minutes of meeting of the appellant institution held on 15.12.2012 and relevant extracts of the letter dated 12.12.2013 of NRC are annexed hereto. So far as the deficiency pointed out by the NRC at Sr. No. 3 (iv) of the impugned refusal order regarding renewal of the FDR is concerned, it is submitted that the appellant institution had submitted its compliance to letter of intent on 24.04.2017 and thereafter, NRC had rejected the application of appellant institution and the appellant institution had to approach Hon'ble Court against the said refusal and only after quashing of the refusal order by Hon'ble Court, the NRC further processed the application of the appellant institution and by that time, the FDRs of institution becomes matured. It is submitted to NRC in the joint name of RD, NRC, is pending for renewal and the same will submitted to NRC after renewal with the requisite amount or at any moment as and when directed by the NCTE. That it is submitted that so far as the deficiency pointed out by the NRC at Sr. N. 3 (v) of the impugned refusal order regarding NOC of the affiliating body is concerned, it is submitted that since the application of the appellant institution is of the year 2012. Therefore, the condition of the NOC was not applicable on the institution and the institution applied before the year 2014 were exempted by the NCTE. However, the appellant institution had applied for the NOC after coming of the new regulations and the University issued the NOC dated 30.10.2018 and the same was submitted vide appellant institution vide its letter dated 18.02.2021 in response to the decision for Show Cause Notice taken by the NRC in its 325th meeting held on 08-09.01.2021, however, the NRC failed to take into account the same and rejected the application of appellant institution. It is submitted that the NOC dated 18.02.2021 has been issued to the appellant institution by Dr. Ram Manohar Lohiya Awadh University. A true translated copy of the NOC dated 18.02.2021 issued by the affiliating university is annexed hereto. That so far as the deficiency pointed out by the NRC at Sr. No.3 (vi) of the impugned refusal order regarding non submission of building safety certificate is concerned, it is submitted that the NRC has rejected the application without looking the documents submitted

by the appellant institution including the building safety certificate issued by the competent authority i.e. J.E., P.W.D Faizabad. A true translated copy of the Building Safety Certificate issued by the competent authority is annexed hereto. The so far as the deficiency pointed out by NRC at Sr. No. 3 (vii) of the impugned refusal order regarding non submission of Certificate of Building being differently abled friendly is concerned, it is submitted that the NRC has rejected the application without looking the documents submitted by the appellant institution including the Certificate of Building being differently abled friendly issued by the competent authority i.e. J.E., P.W.D. Ayodhya. A true translated copy of the Building Safety Certificate issued by the competent authority is annexed hereto."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a Writ Petition (C) No. 2031/2022 in the Hon'ble High Court of Delhi at New Delhi against the impugned Refusal Order No. File No. NRC/NCTE/NRCAPP-7631/338th (Part-2) Meeting/2021/215181 dated 10.08.2021 issued by NRC. And Hon'ble Court vide order dated 31.01.2022 directed as under:

The petitioner has approached this Court assailing the refusal order dated 10.08.2021 passed by the respondent no.2, wherein the petitioner's application for grant of recognition for its B.Ed. course has been rejected. It has been put to learned counsel for the petitioner as to why the petitioner has chosen not to exercise the appellate remedy provided under Section 18 of the National Council for Teacher Education Act, 1993 (NCTE). Learned counsel for the petitioner submits that the petitioner did not approach the Appellate Committee as the respondents have been repeatedly rejecting the petitioner's application on one flimsy ground or another. In my view, this cannot be a ground to bypass the statutory remedy of appeal. At this stage, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to file an appeal before respondent no.1. Even though the petitioner's appeal would have become time barred by now, keeping in view the peculiar facts of the present case, the writ petition is dismissed as withdrawn, with liberty to the petitioner to file a statutory appeal before the respondent no.1 within two weeks from today, which appeal will then be considered on its own merits by the Appellate Committee of respondent no.1, within a period of eight weeks from the date of filing of the appeal. Needless to state, this Court has not expressed any opinion on the merits of the petitioner's claim. In case, the petitioner is aggrieved by any order passed by the Committee, it will be open for it to seek legal recourse as permissible in law.

2. Appeal Committee noted that appellant during the course of appeal hearing could not convince the committee by showing any valid evidence that the name of applicant institution was allowed to be changed by NCTE at any given time. In fact the condition that institutions with composite status only will be entitled for recognition of teacher education programmes was first introduced with promulgation of NCTE Regulation, 2014 in October, 2014. Submission made by appellant that it applied for change in the name in 2013 is therefore an afterthought and not acceptable without valid evidence. Appellant institution also did not have eligible faculty approved by affiliating University as on the date of issue of impugned refusal order.

3. Appeal Committee of the Council concluded to confirm the impugned refusal order dated 10.08.2021 issued by NRC.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council noted that as per extant NCTE Regulation, 2014 recognition for teacher education programmes can only be granted in composite institutions which is also well defined in the regulations. Appendix 4 of the NCTE Regulation, 2014 prescribes the eligibility criteria i.e. qualification and percentage of marks for the faculty to be appointed.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Sunaina Devi Smarak Shikshan Prashikshan Sansthan, Vill-ndi, Post-Amaniganj, Tehsil-Milkipur, Dundi 244 Amaniganj, Milkipur, Faizabad Uttar Pradesh-224121
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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-349/E-233816/2021 Appeal/3rd Meeting, 2022
APPLERC202114225**

The Ideal Teachers Training Academy, Plot No 313 503 Street No NH 153, Village Khabeisoi, Imphal Ukhrul Road, Sawombung, Manipur East, Manipur-795010 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi – 110075. RESPONDENT
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Representative of Appellant	Sh. Ranjan Singh (Secretary G.B)
Respondent by	Regional Director, ERC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF REFUSAL

The appeal of **The Ideal Teachers Training Academy, Plot No 313 503 Street No NH 153, Village Khabeisoi, Imphal Ukhrul Road, Sawombung, Manipur East, Manipur-795010** dated 22/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NO. ER-299.2/ERCAPP2226/B.Ed./ 2021/64788-794 dated 07.12.2021. of the Eastern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that "The institution falls short of qualified faculties for 01 additional intake of 50 for B.Ed. course as per NCTE norms and regulations, 2014. Hence the decision of ERC taken in its 234th meeting granting recognition for 50 intakes in B.Ed. course remains unchanged."

Attn

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Ranjan Singh (Secretary G.B), The Ideal Teachers Training Academy, Plot No 313 503 Street No NH 153, Village Khabeisoi, Imphal Ukhrul Road, Sawombung, Manipur East, Manipur-795010 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal Memoranda it is submitted that "We have submitted not only 16 faculties but 16+01 [Principal + (HOD)], but due to some clerical mistakes, ERC-NCTE has refunded our matter. As a matter of justice, I expect that ERC-NCTE will give us a Show Cause Notice so that we can have a chance of correction in our documents/ to correct any mistakes whatever that may be, in spite of giving any such notice, ERC directly refuses our matter. We thought that ERC is our guardian, and its affiliated teacher educational institutions are her sons and daughters, when any institution may have mistaken, they got show cause as I have seen earlier. Lastly, I want to request the respected appeal committee chairman/ all the respected members for reconsidering our cause matter by giving a chance of correction/ submitting due documents as point out by the respected ERC members. I also do submit all the correct documents to this appeal committee and also request you to forward/ give directions to us for resubmitting our corrected/ due documents as soon as possible."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the petitioner institution has filed a Writ Petition (C) No. 12531/2021 in the Hon'ble High Court of Delhi at New Delhi. And Hon'ble Court vide order dated 09.11.2021 directed as under:

Issue notice. Mr. Jai Sahai Endlaw, learned counsel, accepts notice on behalf of respondents. The petition is taken up for disposal with the consent of learned counsel for the parties. The petitioner submitted an application for recognition on 14.05.2015. There has been some litigation thereafter, which culminated in an order dated 06.02.2020 passed by this Court in W.P.(C) 1953/2019. The Court set aside the decision of the ERC dated 14.02.2018, by which the petitioner's



application for recognition of the B.Ed. Degree was rejected, as well as the order of the Appellate Committee of the NCTE dated 05.06.2018. The matter was remanded to the ERC for fresh consideration as to whether or not the petitioner should be granted permission for running a second unit. The ERC was required to carry out the exercise within 10 days from receipt of a copy of the order. The ERC has decided at its meeting on 03.03.2021 to issue a notice to the petitioner to submit its latest faculty list. Mr. Ravi Kant, learned counsel for the petitioner, states that the faculty list has been submitted to the respondents by a communication dated 17.03.2021. The matter remains pending with the ERC since then. Having regard to the aforesaid, the writ petition of with the direction upon the ERC to comply with order dated 06.02.2020 within four weeks from today.

2. Appeal Committee noted that application dated 14.05.2015 submitted by appellant institution was for an intake of one basic Unit (50 seats) and the documents i.e. Building Completion Certificate (BCC) submitted by appellant with its application was for a built-up area of 1530 Sq. Meters. It is, therefore, evident that appellant qualified for grant of recognition for one Unit (50 seats) as per declaration given initially in the affidavit enclosed with the application.

3. Appeal Committee noted that Refusal Order for grant of 2nd Unit and the earlier appeal order dated 05.06.2018 was set aside by the Hon'ble High Court of Delhi for fresh consideration for running a second unit qua for B.Ed. course for academic session 2020. NCTE Regulations do not have any provision for consideration of an application seeking recognition for one unit being converted into an application for seeking recognition for 2 Units after submitting a revised Building Completion Certificate (BCC). The correct approach for the appellant institution should have been to apply afresh as and when NCTE issues notification inviting applications for the course. Accommodating requests for addition intake without having been applied initially would open a pandora box.

4. Appeal Committee of the Council, therefore, is constrained and concluded to confirm the impugned order dated 07.12.2021.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council noted that impugned refusal order dated 07.12.2021 is for refusal of additional intake in B.Ed. programme and the recognition for basic intake of 50 seats granted vide ERC order dated 17.03.2017 remains unchanged.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, The Ideal Teachers Training Academy, Plot No 313 503 Street No NH 153, Village Khabelsol, Imphal Ukhrul Road, Sawombung, Manipur East, Manipur-795010
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Manipur.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-350/E-234018/2021 Appeal/3rd Meeting, 2022
APPLSRC202114235**

Calicut University Teacher Education Centre, 20.13.272, Kallai, Vk Krishna Menon Road, Kozhikode, Kerala-673003 APPELLANT	<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	Dr. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Calicut University Teacher Education Centre, 20.13.272, Kallai, Vk Krishna Menon Road, Kozhikode, Kerala-673003** dated 23/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No F.SRO/NCTE/APS02949/B.Ed./{KL}/2021/128898 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms & Standards notified from time to time. (b) Initially Teacher Education centre was established in Government Schools and has not made efforts to construct own building. As per NCTE Regulations, an institution should possess own land and building exclusive for B.Ed. College. Till date these Teacher Education Centres have not

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constructed their own building for B.Ed. course which is a clear violation of NCTE Act- and its Regulations. (c) Major changes were made in NCTE Regulations 2014 wherein One Year B.Ed. course was converted into Two Years B.Ed. course. All B.Ed. Colleges in the entire country has submitted affidavit to NCTE ensuring to comply with Regulations 2014 and obtained Revised Provisional Recognition Order, whereas Calicut University Teacher Education Centres have not cared to submit the affidavit to comply with NCTE Regulations 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. (d) Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after Withdrawal of Recognition they always reply upon filing Court Cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting substandard Teacher Education to the students. (e) Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality Teacher Education, whereas these Centres are running with minimal staff there by compromising the quality of B.Ed. program. (f) Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-2015. Hence these Centres are not existing institutions and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. program illegally from the year 2014 as per the law of the Land (g) Faculty and facilities in these Teacher Education Centres are temporary in nature all along from the establishment of the B.Ed. course. Till date permanent Faculty as per NCTE norms are not appointed by these Centres."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre, 20.13.272, Kallai, Vk Krishna Menon Road, Kozhikode, Kerala-673003 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "(a) The Calicut University Teacher Education Centre, Calicut (APS02949) is herewith humbly submitting the appeal against the withdrawal of recognition of this institution. It may kindly be noted that the Calicut university Teacher Education Centre-Calicut, University of Calicut has not tried to challenge the Regulations and it is functioning as per the NCTE norms issued time to time. The Calicut University Teacher Education Centre, Calicut was in a run to set up the institution to cop up with the specification of the NCTE even though it had to overcome many hurdles as the society. At present the intake is 50 Registrar, University of Calicut had submitted a request on 06.05.2014 to SRC NCTE to grant recognition to the Centre. University applied for the permanent recognition



to the Calicut University Teacher Education Centre, Calicut with filled up questionnaire and remitting a fee of Rs.50,000/-. But action in this regard not been seen taken, instead the recognition is withdrawn vide order No. F.SRO/NCTE/APSO2949/B.Ed./KL/2021/128898 dated 27/10/2021. (b) The Institution was established in 1982 in a rented building at VK Krishna Menon Road, PO Kallai, Calicut exclusively constructed for B.Ed. program with a Buildup are of 1500M2 in a leased land of 3520M2 as specified by the NCTE (The photograph, plan and completion certificate of the building is appended along with Lease agreement) (Appendix 1,2,3 and 4) (c) In this regard excuses are not enough to pardon the mistakes, however the following facts may be considered favorably . (1.) university has been seriously trying to achieve the permanent recognition from the NCTE SRC, for this sake, on 06.05.2014 registrar, University of Calicut had sent request to NCTE to grant recognition to 11 CUTECS, including APS02949. (2.) NCTE issued a notice on 21.08.2014 (F. No.RO/APSO2949/B.Ed./KL/2014/

Dated 21/08/2014) to submit relevant documents and fees for inspection, according to that Registrar, University of Calicut submitted application to SRC, Bangalore to grant permanent recognition to University Teacher Education Centre, Calicut by remitting an amount of Rs. 50,000/- as visiting fees on 11.09.2014. (3.) University of Calicut and the University Teacher Education Centre, Calicut had been expecting a visit from SRC to grant recognition. (4.) During this period NCTE introduced its new regulation on 28th November 2014 by 'The Gazette of India: 'Extraordinary'. (5.) The SRC, NCTE did not sent any communication to University Teacher Education Centre, Calicut (APSO2949) or the Registrar, University of Calicut on behalf of this Centre, intimating to submit the affidavit in the prescribed format. (6.) During this period the recognition of this Centre was under the judgement of Hon'ble High Court of Kerala W.P.(C) No.3410 of 2009 (G) dated 17.08.2010) Appendix-5). The Hon'ble High Court of Kerala left freedom to NCTE SRC did not withdraw the recognition of Calicut University Teacher Education Centre, Calicut. By treating these Centre as recognized one, on the basis of the Hon'ble Court Judgement, SRC had not issued any letter to submit affidavit. (7.) But during this period the date for submitting the affidavit were over. University itself modified the entire B.Ed. curriculum to two years with effect from 2015 academic year. Calicut University Teacher Education Centre, Calicut also tuned to 2014 regulation and reduced the strength to one block (50 students), Staff pattern, etc. Please see the U.O for the two-year curriculum (Appendix-6) So I pray to the Honourable Appellate body to accept the affidavit duly filled up and signed by the Registrar and pardon for the delay and mistake done by the University (Appendix-7). (d) 1. The Appellant Teacher Education Institution is committed to offer quality education to its students and is under the Management of a University of high ranking and repute. (2.) Our Centre has been giving standard education to Student Teachers by appointing

qualified full-time staff as per the NCTE norms time to time. So, far the result of this institution is highest in the State. (3.) Deficiencies pointed out in the referred letter has been solved out by the institution by setting up innovative classrooms, Library, Curriculum labs, halls, and other facilities with basic amenities as per the NCTE Norms. (e) The institution is running with highly qualified and experienced full time Staff with approved pay scale as per the NCTE Regulation 2014. Administrative Office, and other office such as Library, lab etc is functioning with qualified and experienced sufficient staff. (f) 1. Though the Registrar, University of Calicut submitted application to visit the Centre on 11.09.2014, SRC had not visited the Centre to give recognition. The Centre and University had been expecting the visit from that date onwards. (2.) NCTE issued new regulation on 28/11/2014, But SRC had not sent any letter to University or to the Calicut. Asking the willingness to accept the 2014 norms. University had been waiting for this. (3.) As per the letter No. F.51-4/2014/NCTE/N&S dated 24th December 2014 published in the NCTE website, it is clearly suggested to SRC as, "This is in continuation of this office email dated 18th December 2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose application are pending for processing was sent" (Please refer the Appendix-8). SRC had not sent any letter in this regard till date. Our institution was a pending applicant in that case. (4.) However, our institution tuned to 2014 regulation by accepting one block (50 students against the approved 112 intake) and staff pattern, etc. (g). 1. University has been appointing teaching faculty on full time basis. (2.) Our Centre (APS02949) is an institution with highly qualified and well experienced faculties from its inception itself. List appended (Appendix-9) 3. Salary and terms of appointment of these staffs have been following by the University norms. Kerala Government approved a scale of pay to the staff on 09.07.2015 (G.O. (Ms.) No. 416/2015/H.Edn. dated 09.07.2015 (Appendix-10) If the order No. F.SRO/NCTE/APS02949/B.Ed./KL/2021/128898 dated 27/10/2021 of the SRC is not reversed, it will cause irreparable hardship, injury and harm to the students who have undergone training at the Appellant Calicut University Teacher Education Centre, Calicut. It is highly necessary and desirable in the interest of justice and in view of subsequent change of facts and circumstances that the order of the SRC withdrawing recognition of the Calicut University Teacher Education Centre, is to be re considered. The Appellant Calicut University Teacher Education Centre, Calicut is ready and prepared to abide by such conditions as may be imposed by this Hon'ble Appellate Authority. Hence, once again it is humbly prayed to accept this appeal and inspect the document and premises of the Calicut University Teacher Education Centre, Calicut for maintaining its recognition."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode. Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.

5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that **"Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above."** Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance'** Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up

facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done

in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in May-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre, 20.13.272, Kallai, Vk Krishna Menon Road, Kozhikode, Kerala-673003
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-351/E-234168/2021 Appeal/3rd Meeting, 2022
APPLSRC202114182**

Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521 APPELLANT	<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	Dr. J. Senthil Kumaran (Director)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521** dated 01/11/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS07895/M.Ed./{TN}/2021/128507 dated 02.09.2021 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "The institute previously requested for change of Management which was informed by the SRC with dis-approval. Now with reply of FSCN dated 21.01.2020 the institute had submitted a notarized copy of Gift Deed dated 31.10.2013 which is in favour of Sri MATHE BHAVENSESWARI Educational Trust (DONEE) which is not the managing trust of the

[Signature]

college. The Managing Trust is Mahalakshmi Educational Charitable Trust. This is not permissible under clause 8 (4) (i) of NCTE Regulations, 2014. 2. Other documents like BCC, NEC building plan and LUC etc., cannot be accepted on the face of deficiency in land documents. 3. Faculty for B.Ed., M.Ed., and D.El.Ed., courses have not been submitted with the latest approval of affiliating body. Only approval of 2015 is submitted on for M.Ed. course. 4. The Website of the institute is not updated with information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. J. Senthil Kumaran (Director), Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "SRC vide its order dated 02.09.2021 has withdrawn recognition for conducting M.Ed. course, observing the deficiencies which were already clarified / ratified by our institution. A copy of withdrawal order dated 02.09.2021 of SRC is enclosed. That in order to appreciate various contentions and averments being raised hereinafter by the Appellant, it is necessary to state the following few relevant facts in brief. SRC NCTE vide its order dated 06.11.2007 granted recognition to the Appellant Institution for running the M.Ed. course in the appellant institution with annual intake of 25 students. Further, a revised recognition order dated 30.05.2015 with intake of 100 students, was issued to the appellant institution for conducting M.Ed. course. In the withdrawal order SRC in its 369th meeting held on 28.01.2019 considered the matter of Appellant Institution pertaining to compliance of revised recognition order and issued Show Cause Notice dated 30.07.2019. Thereafter appellant institution submitted its reply dated 11.09.2019 to the aforesaid Show Cause Notice dated 30.07.2019. Thereafter, SRC in 383rd meeting held on 7-9 January 2020, again considered the matter of the appellant institution and after consideration, issued the final Show Cause Notice dated 21.01.2020 to the appellant institution. Thereafter, the appellant institution vide its letter dated 25.02.2020 submitted reply to the show cause notice dated 21.01.2020 the documents, as sought by the SRC. That thereafter, the SRC in its 401st meeting held on 11-12 August 2021 again taken up the matter of appellant institution and decided to withdraw recognition of appellant institution and issued the impugned withdrawal order dated 02.09.2021 observing that the institution has submitted the documents as were sought by the SRC. That it is submitted that the withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions mandated under NCTE Act, 1993 and also without following the due procedure. That it is submitted that though Appellant Institution vide its reply letter dated

18.02.2020 had submitted the documents to the SRC as asked by it vide Show Cause Notice dated 21.01.2020, however, SRC has withdrawn the recognition of appellant institution. That it is submitted that the documents / information as has been observed and sought by the SRC in its 401st meeting, is different from the documents / information as was asked earlier by the SRC vide SCN dated 21.01.2021 and submitted by the appellant institution vide letter dated 18.02.2021. That it is submitted that the documents / information as was sought by the SRC vide its in its 401st meeting, were never asked by the appellant institution to submit. That it is also relevant to state that the SRC failed to follow the directives of SOP issued by the NCTE wherein it has been categorically provided that 2nd Show Cause Notice should be issued before proceeding for the withdrawal of recognition of the recognized institution, however, in the case of the appellant institution, no 2nd Show Cause Notice has been issued as the 2nd Show Cause Notice was on different grounds from the grounds of 1st Show Cause Notice. 14. That it is submitted that as per the said SOP, the SRC ought to have issued the 2nd Show Cause Notice in light of the Show Cause Notice dated 21.01.2021 and reply submitted by the appellant. It is submitted that the reply dated 18.02.2021 submitted by the Appellant Institution. 15. That it is submitted that SRC ought to have provided an opportunity before taking drastic decision of withdrawal, as the same will cause irreparable academic harm and injury to the appellant institution. 16. That it is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which has been observed by SRC in its 401st meeting. A copy of land documents, approved faculty list and printout of institution's website are enclosed. It is submitted that the appellant institution is running since the year 2006 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the NRC itself have issued the recognition / revised recognition order to the appellant institution for M.Ed. course. It is submitted that thus, the withdrawal order dated 02.09.2021 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that Land documents submitted by appellant institution were not in favour of the applicant Trust/Society and it is subsequently after issue of Show Cause Notice. It has been stated that there is a change in the management culminating into change in the name of applicant trust. Appeal Committee noted that applicant institution did



not seek prior approval of NCTE which has finally resulted in conducting of M.Ed. programme by an institution managed by a Society/Trust which was never an applicant in this case. As regards faculty applicant institution has failed to submit to SRC list of faculty duly approved by affiliating University before issue of impugned withdrawal order dated 02.09.2021 even after being given an opportunity by issue of SCN.

2. Appeal Committee, noting that applied for programme is not being conducted under the aegis of applicant society whose name is entered in the application form and other records of NCTE and List of faculty approved by affiliating University was not furnished to SRC before issue of impugned withdrawal order, decided to confirm the withdrawal order dated 02.09.2021.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned withdrawal order dated 02.09.2021.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521
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 Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-352/E-234175/2021 Appeal/3rd Meeting, 2022
APPLSRC202114181**

Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521 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. J. Senthil Kumaran (Director)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521** dated 01.11.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS01215/B.Ed./{TN}/2021/128508 dated 02.09.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institute previously requested for change of Management which was informed by the SRC with dis-approval. Now with reply of FSCN dated 21.01.2020 the institute had submitted a notarized copy of Gift Deed dated 31.10.2013 which is in favour of Sri MATHE BHAVENSESWARI Educational Trust (DONEE) which is not the managing trust of the

college. The Managing Trust is Mahalakshmi Educational Charitable Trust. This is not permissible under clause 8 (4) (i) of NCTE Regulations, 2014. 2. Other documents like BCC, NEC building plan and LUC etc., cannot be accepted on the face of deficiency in land documents. 3. Faculty for B.Ed., M.Ed., and D.El.Ed., courses have not been submitted with the latest approval of affiliating body. Only approval of 2015 is submitted on for M.Ed. course. 4. The Website of the institute is not updated with information prescribed under para 8(6), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. J. Senthil Kumaran (Director), Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "SRC vide its order dated 02.09.2021 has withdrawn our recognition for conducting B.Ed. course, observing the deficiencies which were already clarified / ratified by our institution. A copy of withdrawal order dated 02.09.2021 of SRC is enclosed as Enclosure 1. 2. That in order appreciate various contentions and averments being raised hereinafter by the appellant, it is necessary to state the following few relevant facts in brief. 3. That SRC NCTE vide its order dated 07.11.2005 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students. Further, a revised recognition order dated 30.05.2015 with intake of 100 students, was issued to the appellant institution for conducting the B.Ed. course. Thereafter, SRC in 317th meeting held on 28-30 July 2016, considered the matter of the appellant institution pertaining to change of management and issued a letter dated 16.08.2016 with direction to submit resolution of the society, NOC from registrar of societies or trust and affiliating body and permission form Government. That institution vide its letter dated 19.09.2016 submitted the documents in response to the SRC letter date 16.08.2016. It is submitted that thereafter there was no response from the SRC. Thereafter, the SRC in its 383rd meeting held on 7-9 January 2020, taken up the matter of appellant institution and after consideration, issue the final Show Cause Notice dated 21.01.2020 to the appellant institution. Thereafter, the appellant institution vide its letter dated 18.02.2020 submitted its reply to the Show Cause Notice dated 21.01.2020 the documents, as sought by the SRC. A true copy of the appellant's reply dated 18.02.2020 is enclosed as Enclosure 6 & 8. That thereafter, the SRC in its 401st meeting held on 11-12 August 2021 again taken up the matter of appellant institution and decided to withdraw recognition of appellant institution and issued the impugned withdrawal order dated 02.09.2021 observing that the institution has submitted the documents as were sought by the SRC. It is



submitted that the withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions mandated under NCTE Act, 1993 and also without following the due procedure. It is submitted that through appellant institution vide its reply letter dated 18.02.2020 had submitted the documents to the SRC as asked by it vide Show Cause Notice dated 21.01.2020, however, SRC has withdrawn the recognition of appellant institution. It is submitted that the documents / information as has been observed and sought by the SRC in its 401st meeting, is different from the documents / information as was asked earlier by the SRC vide SCN dated 21.01.2021 and submitted by the appellant institution vide letter dated 18.02.2021. It is submitted that the documents / information as was sought by the SRC vide its in its 401st meeting, were never asked by the appellant institution to submit. It is also relevant to state that the SRC failed to follow the directives of SOP issued by the NCTE wherein it has been categorically provided that 2nd Show Cause Notice should be issued before proceeding for the withdrawal of recognition of the recognized institution, however, in the case of the appellant institution, no 2nd Show Cause Notice has been issued.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that Land documents submitted by appellant institution were not in favour of the applicant Trust/Society and it is subsequently after issue of Show Cause Notice, It has been stated that there is a change in the management culminating into change in the name of applicant trust. Appeal Committee noted that applicant institution did not seek prior approval of NCTE which has finally resulted in conducting of B.Ed. programme by an institution managed by a Society/Trust which was never an applicant in this case. As regards faculty applicant institution has failed to submit to SRC list of faculty duly approved by affiliating University before issue of impugned withdrawal order dated 02.09.2021 even after being given an opportunity by issue of SCN.

2. Appeal Committee, noting that applied for programme is not being conducted under the aegis of applicant society whose name is entered in the application form and other records of NCTE and List of faculty approved by affiliating University was not furnished to SRC before issue of impugned withdrawal order, decided to confirm the withdrawal order dated 02.09.2021.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned withdrawal order dated 02.09.2021.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Arcot Mahalakshmi Womens College of Education, 424/6 Villapakkam, Arcot-Arni Main Road, Arcot Vellore, Tamilnadu-632521
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 Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-1/E-234571/2022 Appeal/3rd Meeting, 2022
APPLSRC202114195**

Calicut University Teacher Education Centre Manjeri, Narukara, 197/7 Karuvambram Cherani Ernad, Malappuram, Kerala-676123 APPELLANT	<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	Dr. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Calicut University Teacher Education Centre Manjeri, Narukara, 197/7 Karuvambram Cherani Ernad, Malappuram, Kerala-676123 dated 22/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS02945/B.Ed./{KL}/2021 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that “The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms and Standards notified from time to time. Initially Teacher Education Centre was established in Govt. Schools and has made no effort to construct own building. As per NCTE Regulations, and institution should possess own land and building exclusively for B.Ed. college. Till date these Teacher Education Centres have not

constructed their own building for B.Ed. course which is clear violation of NCTE Act and its Regulation. Major changes were made in NCTE Regulations 2014 wherein one-year B.Ed. course was converted in Two years B.Ed. course. All B.Ed. colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with Regulations 2014 and obtained Revised Provisional Recognition Order, Whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with the NCTE Regulation 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after withdrawal of recognition they always rely up on filing court cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting sub-standard Teacher Education to the Students. Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality teacher education, whereas these Centres are running with minimal staff thereby compromising the quality of the B.Ed. Programme. Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-2015. Hence, these Centres are not an existing institution and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. programme illegally from the year 2014 as per the law of the land. Faculty and Facilities in these Centres are temporary in nature all along from the establishment of the B.Ed. course. Till now permanent faculty as per NCTE Norms are not appointed by these Centres. Faculty and Facilities in these Centres are temporary in nature all along from the establishment of the B.Ed. course. Till now permanent faculty as per NCTE Norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014."



II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre Manjeri, Narukara, 197/7 Karuvambram Cherani Ernad, Malappuram, Kerala-676123 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "The University of Calicut, in response to growing public demand for opportunities in the field of Teacher Education, established the Teacher Education Centre at Manjeri in 1992, at a time when there were not many B.Ed. colleges around. At the outset, the Centre was started in a rented building with modest facilities. Later, it was shifted to the premises of a Govt School. Subsequently in 2011, the Centre was moved to a well-furnished building constructed by the University on land purchased for the purpose. Though started with limited facilities, the Centre steadily improved its facilities to meet the standards laid down by NCTE from time to time. The SRC, NCTE visited the Centre on 22.05.2004 and granted recognition vide order F.KL/SEC/UNI/N/05/SRO/NCTE/2004-05/4855 dated 13.07.2004 with certain terms and conditions (Annexure 1). Complying with the directions from NCTE the University purchased land and started constructing a new building in addition to developing other infrastructural and instructional facilities and requested SRC, NCTE to visit the Centre. The SRC, after visiting the Centre on 17.12.2008 and serving a notice, withdrew the recognition on 26.06.2009 (Annexure 2). The appeal committee further confirmed the withdrawal (Annexure 3). The University approached the Honourable High Court of Kerala and obtained a favorable judgement (WP (C) No.33976 of 2009(N) dated 17.08.2010-Annexure 4). Thereafter, abiding by the NCTE norms, the Centre was shifted to its own building and improved a lot in terms of overall facilities. Again on 11.09.2014, the Registrar of the University requested SRC NCTE to visit the Center for recognition remitting required fees. Without even visiting the Centre, the SRC served Show Cause Notice on 05.01.2015 and 18.03.2015 (Annexure 5 & 6 respectively). The Centre replied to these notices vide letters dated 23.01.2015 and 15.04.2015. But the SRC withdrew recognition vide Letter F.SRO/NCTE/ APSO2945/B.Ed./KL/2015/74523 dated 23.09.2015 (Annexure 7). The Appeal committee, however, set aside the decision vide Order no. F.no.89-217/2015Appeal/1st Meeting-2016 dated 25.02.2016 (Annexure 8). Finally, without further notice or visit, the SRC withdrew recognition vide order No. F.SRO/NCTE/APSO2945/B.Ed./KL/2021/128897 dated 27.10.2021. The factual information given above underlines that the Centre has made serious efforts to comply with the norms and regulations of NCTE. The Centre has never disregarded or tried to challenge the directives of NCTE. The University started Tec Manjeri in 1992 in a rented building with limited facilities. Soon after, the Centre was shifted to the premises of a Govt School in Manjeri. The University procured 1.25 acres



of land in 2004 and another 1.25 cents in 2008 (a total of 5120 sq. meters of land) exclusively for the Centre (Land documents attached Annexure 9), and prepared and got approved the plan of a three-story building with 1917.30 sq. meters of plinth area and started construction. In the first phase, two stories of the building with an area of 1239.16 sq. mtr were completed and the Centre was moved to it in 2011 (the building plan and building completion certificate attached- Annexure 10). Further, the vertical extension of the building above the first floor was started in 2019 using the fund sanctioned by the then MLA under LAC ADS scheme (2018-19) (Annexure 11). The work stopped halfway due to technical and corona pandemic-related issues. The construction work, however, resumed later and will be completed shortly. Since the Centre is functioning in its own well equipped building now, and the University has already taken measures to extend the build up area to meet NCTE standards, the Honourable appellate body may vacate this objection. In accordance with NCTE Regulations 2014, the University restructured the B.Ed. Programme into a two year course and revised the Syllabus incorporating Yoga Education, Physical Education, Art/Drama Education etc. The University has been conducting the B.Ed. Programme in this Centre as a two-year full-time course from the Academic year 2015-16 onwards, ensuring the compliance with the NCTE Regulation 2014 (Please see Annexure 12). Though complied with the Regulation, the Centre failed to file an Affidavit to this effect. During this period, the Centre and University were engaged in protracted correspondence with NCTE regarding recognition of the Centre. The Registrar of the University submitted a request to visit the 11 TECS, including this Centre, remitting the required fee to which the NCTE SRC responded with a Show Cause Notice dated 05.01.2015 pointing out some shortcomings. A reply was given by the Centre, but the SRC again chose to serve another notice on 18.03.2015. Though the Centre replied to these notices the SRC withdrew the recognition vide letter F.SRO/NCTE/APSO2945/B.Ed./KL/2015/74523 dated 23.09.2015 (Annexure 5 to 7 may be seen). It is humbly pointed out that there was not a mention of non-submission of Affidavit in the Show Cause Notice or withdrawal order. The Centre or the University didn't receive any other communication to submit the affidavit either. However, the failure to submit the affidavit, though inadvertent, is deeply condoned and the omission is accepted and the affidavit signed by the Registrar now. (Annexure 13). The Centre has taken all possible measures to improve the facilities from time to time. Acting in agreement with the NCTE Regulations and norms, the University purchased land and constructed a building exclusively for running the B.Ed. programme and steadily improved other facilities like lab library etc. Unfortunately, the SRC of NCTE withdrew recognition vide F.SRO/NCTE/B.Ed./2009-10/14171 dated 26.06.2009 without considering the earnest efforts put in by the Centre to improve the facilities and rectify the deficiencies pointed out by SRC. Naturally, the Centre preferred an appeal against the withdrawal



of recognition. The appeal committee, however, confirmed the withdrawal of recognition (Order F.No. 89-771/2009-APPeal A5588 dated 06.11.2009). Hence, the University was compelled to approach the Hon'ble High Court of Kerala in the best interest of the students and obtained a stay for the order of withdrawal of recognition. (WP© no. 33976/2009 dated 17.08.2010- Annexure 4 may be seen). This was the only time the University field a case in the court on this matter. The act of the University in having filed a case against the withdrawal order may kindly be not seen as an attempt to evade the Regulations. Being a public institution run in a non-profit manner, the sole intention behind this was to protect the interest of the student community. It may also be noted that the University has seriously made many efforts to satisfy the NCTE norms from time to time. Hence, this objection may be vacated. It may be noted that Calicut University appointed teaching faculty for the concerned subjects with the prescribed qualifications as per the Norms and Standards of NCTE and that of UGC, existed at the time of their appointments. The University, in accordance with the Regulations 2014, streamline the B.Ed. Programme into a two-year course and reduced the student-strength of this Centre into one Unit (50 Students). Having only one basic unit, the Centre is maintaining a total of 7+1 full-time faculty members across various disciplines (including the principal). In addition to this, the University has appointed one part-time faculty each for Physical and yoga Education, Fine Arts/Performing Arts (Annexure 14). Further, as per the Regulations, faculty can be utilized for teaching in a flexible manner so as to optimize academic expertise available. The Centre meets NCTE norms and standards regarding staff and hence this objection may be DROPPED. In this regard it may please be noted that the Registrar, University of Calicut submitted an application on 11.09.2014 to STC, NCTE for granting permanent recognition and remitted a fee of Rs. 50,000 (rupees fifty thousand only) as inspection fees. The Centre and the University were expecting the visit from SRC for granting permanent recognition. NCTE promulgated the new regulation on 28/11/2014. Further, as per the letter No.F.51-4/2014/NCTE/N&S dated 24th December 2014 published on the NCTE website, it is clearly suggested to SRC that: "This is in continuation of this office email dated 18th December 2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose applications are pending for processing was sent". (Please refer to Annexure-15). The University or this Centre had not received any letter from SRC directing to submit an affidavit for changing to a two-year Programme as per the new norms. In the light of above facts while considering this objection this may be vacated and permission may be granted to submit a new affidavit.

Teachers are appointed on full-time basis with scale of pay as per the order of Kerala Government (GO (Ms.) No 416/2015/H.Edn, dated 09.07.2015-Annexure 16). All the faculty members have more than 15 years of teaching experience. Please refer to the date of appointment of the faculty



members in the approved staff list (Annexure-17). University of Calicut appointed well qualified teaching faculty in the Teacher Education Centre Manjeri providing competent salary and other benefits as shown in the above statements. Hence the objection in this regard may be dropped."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.

5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that **"Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above."** Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that 'It is



immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance' Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed.



programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre Manjeri, Narukara, 197/7 Karuvambram Cherani Ernad, Malappuram, Kerala-676123
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-02/E-234577/2022 Appeal/3rd Meeting, 2022
APPLSRC202114233**

Calicut University Teacher Education Centre Kaniyambetta, 188/2 Kaniyambetta Vythiri, Wayanad, Kerala-673124 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. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Calicut University Teacher Education Centre Kaniyambetta, 188/2 Kaniyambetta Vythiri, Wayanad, Kerala-673124 dated 23/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS02941/B.Ed./{KL}/2021/128894 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms and Standards notified from time to time. Initially Teacher Education Centre was established in Govt. Schools and has made no effort to construct own building. As per NCTE Regulations, and institution should possess own land and building exclusively for B.Ed. college. Till date these Teacher Education Centres have not

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constructed their own building for B.Ed. course which is clear violation of NCTE Act and its Regulation. Major changes were made in NCTE Regulations 2014 wherein one-year B.Ed. course was converted in Two years B.Ed. course. All B.Ed. colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with Regulations 2014 and obtained Revised Provisional Recognition Order, Whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with the NCTE Regulation 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after withdrawal of recognition they always rely up on filing court cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting sub-standard Teacher Education to the Students. Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality teacher education, whereas these Centres are running with minimal staff thereby compromising the quality of the B.Ed. Programme. Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-2015. Hence, these Centres are not an existing institution and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. programme illegally from the year 2014 as per the law of the land. Faculty and Facilities in these Centres are temporary in nature all along from the establishment of the B.Ed. course. Till now permanent faculty as per NCTE Norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014"

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre Kaniyambetta, 188/2 Kaniyambetta Vythiri, Wayanad, Kerala-673124 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "University of



Calicut has definitely made serious effort to comply with NCTE Regulations with respect to Kaniyambetta Centre. And it may kindly note that University of Calicut did not try to challenge the Regulations, Norms and Standards notified by NCTE from time to time. University of Calicut established Teacher Education Centre Kaniyambetta in 1994 with an aim of attainment of remarkable development of the backward tribal region of Wayanad District of Kerala. Initially the centre functioned at a Government Higher Secondary School Building. Later District Panchayath Wayanad provided 1.31 acres of Land to University of Calicut as per GO (Ms) No: 65/2006/LSGD: TVM dated 23.02.2006. L.No:DP/5 1917/04 dated 03.06.2005 (Annexure-1) And the University of Calicut commenced constructing a building for the B.Ed. Centre Kaniyambetta to meet NCTE norms and conditions in the year 2007 by using the plan fund of University of Calicut. NCTE members visited the centre on 30/05/2004 and granted recognition to the Centre with stipulated conditions F. KL/SEC/UNI/N/06/SRO/NCTE/2004-2005/4862 dated 13.07.2007 (Annexure-2) After meeting the conditions mentioned in the recognition order, University approached SRC, NCTE to visit the Centre on 16/12/2008. Unfortunately, SRC withdrew the recognition on 26/06/2009 citing inadequate facilities. Then the University compelled to approach Hon'ble High Court of Kerala. High Court made a favourable judgement in this regard (W.P(C). No33725 of 2009(1) dated 17.08.2010) (Annexure-3). On 07.05.2014 Registrar, University of Calicut requested to SRC, NCTE to grant permanent recognition to the Centre. University applied for the permanent recognition of the Kaniyambetta Centre by completing all the formalities including remitting of inspection fees (Rs. 50000/-) on 10.09.2014, and expected the visit of SRC NCTE whereas, SRC issued Show Cause Notice on 16/11/2014, and University replied to these Show Cause Notice on 10.02.2015. But NCTE decided to withdraw recognition for mainly two grounds such as issue regarding the Title of land and want of Regular Staff. The Registrar of University of Calicut Satisfactory rectified and replied on these two grounds to NCTE by utilizing the provision of appeal against the withdrawal order no. SRO/NCTE/APSO2941/B.Ed./KL/2015/63479. Regarding Title of Land, it was submitted that As per the Order of Government of Kerala -GO (Ms) No.65/2006/LSGD TVM dated 23.02.2006 permission was granted to hand over 1 acre and 25 cents purchased by the Wayanad District Panchayat with Re-survey No 188/2 to the Calicut University for the purpose of constructing a building for the B.Ed. Centre under University of Calicut. A notarized English Version of State Government Order dated. 23.02.2006 has been enclosed. Noting the above submission of the appellant NCTE concluded that the matter deserved to be remanded to the SRC with a direction reconsiders the same and the order of withdrawal shall be kept in abeyance. F. no. 89-62/2015 Appeal/6th Meeting -2015 Annexure No:4. However, SRC withdrew the recognition on 27.10.2021.(F.SRO/NCTE/APSO2941/B.Ed./KL/2021/128893). The factual information given



above underlines that Kaniyambetta B.Ed. Centre made serious efforts to comply with norms and regulations of NCTE from time to time. In this regard it may kindly noted that 1. University of Calicut started Teacher Education Centre kaniyambetta for providing quality education to educationally and socially backward regions Wayanad District. The University took serious efforts to establish a permanent building, as a result the college obtained 1.31 acres of Land from Govt. of Kerala in 2007. For Govt. of Kerala, Wayanad District Panchayath legally handed over the Land to the University in the name of the Registrar on 23.02.2006. As per order No: 65/2006/LSGD: TVM dated 23.02.2006 (Land Document, Certificate of Encumbrance on Property, Land Usage Certificate, and tax bill – attached as Annexure: 5,6,7 and 8) 2. University constructed a three storied building with a total build up area of 2226.15 sq mtr against the specified 1500 sq mtr. as per the NCTE norms. Photograph of the Building, Building Plan and Building Completion Certificate are submitted for kind perusal. (Annexure-9, 10 and 11). 3. The SRC visiting team already verified these facts during their visits on 17.01.2008 for B.Ed. course and 22.03.2016 for composite visit (M.Ed. and B.Ed.). Now the college is functioning in a well equipped and furnished three storied building with all adequate facilities as per NCTE Act, Norms and Regulations 2014. The Honorable appellate body may go through the above facts and vacate this objection of Calicut University Teacher Education Centre Kaniyambetta (APSO2941). It is the fact that the institution was concerned about submitting affidavit. University has been trying hard to achieve the permanent recognition from NCTE SRC, for this purpose, on 23.03.2014 the Registrar, University of Calicut had sent a request to NCTE to grant recognition to 11 CUTECS (including this Centre APSO2941) 2. NCTE issued a notice on 23.08.2014 to submit relevant documents and fees for inspection. Accordingly, the Registrar, University of Calicut submitted an application to SRC, Bangalore to provide permanent recognition to Kaniyambetta Centre by remitting a fee of Rs 50000/- as visiting fees on 11.09.2014. As a follow of this procedure, University of Calicut and the Kaniyambetta B.Ed. Centre was expecting a visit from SRC to grant recognition. At this point of time in the SRC website an official communication cited that "This is in continuation of this office email dated 18th December 2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose applications are pending for processing was sent". As our application for permanent recognition was pending the Centre did not apply for Provisional Recognition Order. 3. During this period NCTE introduced its new regulation on 28 November 2014 in the Gazette of India (Extraordinary). But the Kaniyambetta Centre and the University did not receive any communication in this regard to submit the affidavit in the prescribed format from the SRC. 4. During this period the recognition of this Centre was upheld vide judgement of Hon'ble High Court of Kerala WP (C) No.33725 of 2009 (1) dated 17.10.2010. The Hon'ble High Court of Kerala left freedom to NCTE SRC withdraw withdrew

the recognition of Kaniyambetta B.Ed. Centre. 5. But NCTE SRC sent a Show Cause Notice on 16.01.2014 to the Centre dated for furnishing necessary documents. Centre replied to this on 10.02.2015 and the subsequent 283rd meeting of SRC held during 03.03.2015 did not consider this and decided to withdraw the recognition. 6. Though university of Calicut and its Centre shifted to 2014 regulations by minimizing student admission into one block and also following the curriculum, staff Pattern etc strictly adhering the NCTE norms and regulations of 2014. Above all the University as well as the Centre is highly committed and strictly adhere to the stipulated regulations and rules in place by the Regulatory body in Higher Education and hence the University, if permitted, will submit the Affidavit duly signed by the Registrar. In this context the honourable appellant body may be kind enough to accept the affidavit duly filled up and signed by the registrar and condone the delay (Annexure 12: Affidavit to be submitted to NCTE in this Regard). University has taken measures to fulfil all the requirements whenever NCTE pointed out the deficiencies. University tried to rectify all demerits, the major problem before the university is that it was utilizing public fund, it has taken time lag to acquire and utilize the fund. At present the University Teacher Education Centre Kaniyambetta has 1.31 acres of land exclusively for running B.Ed. Centre with 2226.25 sq. metre. built up area against 1500 sq mtr as prescribed by NCTE and all physical and infrastructural facilities to carry out the entire requirement as stipulated by NCTE. The SRC of NCTE vide letter no F. No. 89-62/2015 Appeal/6th meeting-2015 dated 03.07.2015 withdrew our recognition citing a few shortcomings including Land Document, Non-Encumbrance Certificate Land Usage Certificate, etc. (Annexure 4,5,6 and 7 are submitted in this regard). Even though all these documents are submitted the NCTE withdraw our recognition, so we are compelled to file an appeal before the appeal committee of NCTE. Consider our appeal by NCTE appeal committee kept in abeyance the decision of SRC to withdraw the recognition. In this regard it may kindly be noted that, 1. University has been appointing full time staff in the B.Ed. Centre as per the norms of NCTE from time to time (2007, 2009, 2014, 2017 norms). 2. Faculty members are selected according to the UGC norms. So, the qualified and competent faculty members are appointed by the University in our Centre. 3. While the 2009 norms were prevailing, we had 7+1 mandatory full-time staffs and one Physical Education part time teacher. 4. When the University shifted to 2014 norms, we have 7+1 full time faculty and 3 part time faculty members for teaching Physical Education Yoga, Art and Drama and Performing Art. University Centre Kaniyambetta provides standard education to the students ever since its establishments hence there is huge rush of the students for getting admission every year in our University Centre. The Registrar, University of Calicut submitted application to visit the Centre on 11.09.2014, SRC did not visit the Centre to provide recognition. Centre and University was expecting the visit from that date onwards. 2. NCTE



issued new regulation on 28.11.2014, SRC did not send any letter to university or to the Kaniyambetta Centre asking the willingness to accept the 2014 norms. Meanwhile, as per the letter No. F.51-4/2014/NCTE/N&S dated 24th December 2014 published in the NCTE website, it is clearly suggested to SRC as, "This is in continuation of this office email dated 18th December 2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose applications are pending for processing was sent" (Please refer the Annexure-13). SRC did not send any letter in this regard and our institution was a pending applicant in that case. Hence the Teacher Education Centre Kaniyambetta did not apply for Revised Recognition and did not submit Affidavit. It can be clearly understood from the Show Cause Notice issued on 03.05.2015, to the Centre. In that Show Cause Notice also SRC did not mention anything about filing the affidavit. (Please see the Annexure-14). 3. However our institution tuned to 2014 regulation by accepting one block (50 students against the approved 100 intake) and staff pattern, etc. 4. While SRC did the composite visit (both for B.Ed. and M.Ed.), its subsequent Show Cause Notices on SRC did not mention any matter in this regard. Afterall SRC in its last withdrawal order issued on 27/10/2021 only mentioning about this affidavit. University has been appointing teaching faculty on full time basis. 2. Our Centre APSO2941 has the teaching faculty with more than 15 years of teaching experience Please refer the date of appointment of the faculty members in the approved staff list. (Annexure-15). 3. Salary and terms of appointment of the Teaching Faculties in accordance with the University norms. Kerala Government approved a scale of pay to the staff on 09.07.2015 (G.O. (Ms.) No. 416/2015/H.Edn. dated 09.0.2015 (Annexure-16) So, I pray to the honourable appeal committee that this factual information may be considered for, and it may be kind enough to re-instate the recognition of Calicut University Teacher Education Centre Kaniyambetta."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations



framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.

5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that **"Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above."** Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance'** Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause

Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from



2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre Kaniyambetta, 188/2 Kaniyambetta Vythiri, Wayanad, Kerala-673124
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-03/E-234579/2022 Appeal/3rd Meeting, 2022
APPLSRC202114227**

Calicut University Teacher Education Centre Chakkittapara, 226/11 Chakkittapara, Koyilandy, Kozhikode, Kerala – 673526 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. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Calicut University Teacher Education Centre Chakkittapara, 226/11 Chakkittapara, Koyilandy, Kozhikode, Kerala - 673526 dated 22/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APSO2943/B.Ed./{KL}/2021/128893 dated 27.10.2021. of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms and Standards notified from time to time. Initially Teacher Education Centre was established in Govt. Schools and has made no effort to construct own building. As per NCTE Regulations, and institution should possess own

[Signature]

land and building exclusively for B.Ed. college. Till date these Teacher Education Centres have not constructed their own building for B.Ed. course which is clear violation of NCTE Act and its Regulation. Major changes were made in NCTE Regulations 2014 wherein one-year B.Ed. course was converted in Two years B.Ed. course. All B.Ed. colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with Regulations 2014 and obtained Revised Provisional Recognition Order, Whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with the NCTE Regulation 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after withdrawal of recognition they always rely up on filing court cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting sub-standard Teacher Education to the Students. Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality teacher education, whereas these Centres are running with minimal staff thereby compromising the quality of the B.Ed. Programme. Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-2015. Hence, these Centres are not an existing institution and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. programme illegally from the year 2014 as per the law of the land. Faculty and Facilities in these Centres are temporary in nature all along from the establishment of the B.Ed. course. Till now permanent faculty as per NCTE Norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014."



II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre Chakkittapara, 226/11 Chakkittapara, Koyilandy, Kozhikode, Kerala - 673526 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal Memoranda it is submitted that "The Calicut University Teacher Education Centre – Chakkittapara, University of Calicut did not try to challenge the Regulations, Norms and Standards notified by NCTE time to time. University had made serious efforts to satisfy the norms and standards of NCTE with respect to Chakkittapara Centre. University established the Chakkittapara Centre on 2004. Initially University started this Centre at Nanminda Balussery Panchayath in a rented building to Cater the educational needs of the public. NCTE visited the Centre on 22nd May 2004 and granted recognition to the Centre with stipulated conditions. (F.KL/SEC/UNI/N/03/SRO/NCTE/2004-2005/4861 dated 13-07-2004(Annexure-1). On 31-05-2005 University shifted the Centre to Chakkittapara Panchayath to cater the development need of the educationally backward region of Calicut District. After meeting the conditions mentioned in the recognition order, university approached SRC,NCTE to visit the Centre in 2008 and the SRC withdrew the recognition on 26-06-2009 pointing out insufficient built up area. Hon'ble High Court made a favourable judgement in this regard. (W.P.No33636 of 2009 dated 17.08.2010) (Annexure 2). Again in 06-05-2014 The Registrar, University of Calicut requested to SRC,NCTE to grant recognition to the Centre. After constructing a permanent building for the Centre, University applied for the permanent recognition to the Chakkittapara Centre by completing all the formalities including remitting of inspection fees (50000) on 11-09-2014 and expected the visit of SRC NCTE. Whereas SRC issued show cause notices on 16-01-2015 and withdrawal order on 01-05-2015 without the visit of SRC team. University approached appellant body against the decision of SRC on 27/06/2015 the Hon'ble appellant committee made a favourable decision on 03/07/2015 towards the Chakkittapara B.Ed. Centre by directing SRC to "reconsider the same and taken appropriate fresh decision. In the meanwhile, the order of withdrawal shall be kept in abeyance" (F.No.89-63/2015Appeal/ 6th meeting-2015 8665 dated 03/07/2017 Annexure-3) But SRC did not take any further steps in this regards. Further, SRC withdraw the recognition on 27/10/2021. However, SRC withdrew the recognition on 27-10-2021 F.SRO/NCTE/APSO2943/B.Ed./KL/2021/128833 dated 27-10-2021 (Annexure-4). The factual information given above emphasizes that Chakkittapara B.Ed. Centre has made serious efforts to comply with the Regulations, Norms and Standards of NCTE from time to time. In this regard it may kindly be noted that 1. Calicut university Teacher Education Centre, Chakkittapara has its own land and building. The owner of the land is legally transferred to the university of Calicut in the



name of Registrar on 27-08-2008(Land documents attached as (Annexure- 5) 2.University constructed a three storied building with built up area of 1811.56 sq.meter completed during 2011. The built up requirement specified by the NCTE is 1500 sq.meter . Photograph of the building ,building plan and building completion certificate are submitting for kind perusal (Annexure-6 Photograph, 7-building plan 8-building completion certificate) 3. The NCTE show cause notice F NO A PSO2943/B.Ed./KL/2014/61016 dated 16-01-2015 pointed out inadequacy of building and space. Hence this ground of refusal may be vacated. University has been trying had to achieve the permanent recognition from NCTE,SRC for this purpose, on 06.05.2014 the Registrar, University of Calicut had sent a request to NCTE to grant recognition to 11 CUTECS (including APSO2943) 2. NCTE issued a notice in the year 2014 to submit relevant documents and fees for inspection. Accordingly the Registrar University of Calicut submitted an application to SRC , Bangalore to provide permanent recognition to chakkittapara Centre by remitting a fee of Rs.50000/- as visiting fees on 11-09-2014 3. As a follow up of this procedure, university of Calicut and Chakkittapara B.Ed. Centre was expecting a visit from SRC to grant recognition 4. During this period NCTE introduced its new regulations on 28th November 2014 in the Gazette of India 'extraordinary' 5. The Chakkittapara Centre and the University of Calicut did not receive any communications in this regard to submit the affidavit in the prescribed format from the SRC 6. In this period NCTE, SRC sent a show cause notice on 16-01-2015 to the Centre (F NO APSO 2943/B.Ed./KL/204/61016 dated 16-01-2015) for furnishing necessary documents (Annexure-9) 7. Centre replied to this show cause notice. But NCTE, SRC withdraw the recognition on 01-05-2015 (F SRO/NCTE/APSO2943/B.Ed./KL/2015/63787 dated 01-05-2015) (Annexure No 10). 8. As per replies for the show cause was submitted assuming a permanent recognition to the Centre will be awarded after visiting by SRC, no visit was taken place and the date of submitting the affidavit was over during that period . The University of Calicut abiding the NCTE regulations 2014 restructured the one year B.Ed. programme into a two year course by revising the staff pattern and the syllabus by incorporating physical Education and Yoga, Art and Drama, Music etc. from 2015 academic years. University Centre chakkittapara also switched to 2014 regulation and reduced the strength to one unit (50 Students) (Annexure-11) 9. In this context the Hon'ble appellate body may be kind enough to accept the affidavit duly filled up and signed by the Registrar and condone the delay (Annexure-12). The recognition of the Chakkittapara Centre University of Calicut approached Hon'ble High court on 2009 only. University compelled to do so only because the Chakkittapara Centre (APSO2943) had been seriously tried to satisfy the norms of NCTE ever since its establishment. While SRC visited the Centre on 16-12-2008 and withdraw its recognition 26-06-2009(F SRC/NCTE/B.Ed./2009-10/14170 dated 26-06-2009), SRC pointed out the inadequate built



up area in this withdrawal order. University rectified the demerits utilizing MLA, MP, and state plan found. As understood the time taken was due to procedural delay for public fund utilization. Now the Chakkittapara B.Ed. Centre has 1 acre of land exclusively for running B.Ed. Centre with 1811.56 sq.meters built up area building. In this context it In this regard our prayers are 1. For the recognition of the Chakkittapara Centre University of Calicut approached Hon'ble High court on 2009 only. University compelled to do so only because the Chakkittapara Centre (APSO2943) had been seriously tried to satisfy the norms of NCTE ever since its establishment. While SRC visited the Centre on 16-12-2008 and withdraw its recognition 26-06- 2009(F SRC/NCTE/B.Ed./2009-10/14170 dated 26-06-2009). SRC pointed out the inadequate built up area in this withdrawal order. University rectified the demerits utilizing MLA, MP, and state plan found. As under stood the time taken was due to procedural delay for public fund utilization. Now the Chakkittapara B.Ed. Centre has 1 acre of land exclusively for running B.Ed. Centre with 1811.56 sq.meters built up area building. In this context it is brought to the kind notice that the Chakkittapara B.Ed. Centre is catering quality teacher education meritorious, economically, social backward students by abiding all the reservation polices of the state and central government. In a situation where the Centre's recognition was withdrawn and the future of the students community was seriously affected by the withdrawal order, university had no other alternatives than filing a case in Hon'ble High Court of Kerala. In 2014 by fulfilling all the requirements the University submitted application to NCTE, SRC to visit the Centre but without visiting SRC withdraw the recognition in 2021. (F.SRO/NCTE/APSO2943/B.Ed./KL/2021/128893 dated 27/10/2021. It may kindly be noted that University have seriously made many efforts to satisfy the NCTE norms from time to time. So that this objection may be vacated. University has been appointing full time staff in the B.Ed. Centre as per the norms of NCTE from time to time (2007, 2009, 2014, 2017 norms). 2. Faculty members are selected according to the UGC norms. So the qualified and competent faculty members have been appointing by the University in our Centre. 3. While the 2009 norms were prevailing we had 7+1 mandatory full time staffs and one physical education part time teacher . 4. When the University shifted to 2014 norms, the Centre had 7+1 full time faculty and 3 part time faculty members.(Annexure 13) University Centre Chakkittapara provides standard education to the students ever since its establishments so that there is huge rush from the parts of the students in getting admission in our University Centre. The above points clearly points out that, the University Centre Teacher Education Chakkittapara is maintained quality education. Hence this objection may be vacated. The Registrar, University of Calicut submitted application to visit the Centre on 11.09.2014, SRC had not visited the Centre to give recognition, Centre and University were expecting the visit from that date onwards. 2. NCTE issued new regulation on 28/11/2014, the



November 2014, SRC did not send any letter to University or to the Centre Chakkittapara asking the willingness to accept the 2014 norms. 3. As per the letter No.F.51-4/2014/NCTE/N&S dated 24th December 2014 published in the NCTE website, it is clearly suggested to SRC as, "This is in continuation of this office email dated 18th December 2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose applications are pending for processing was sent" Please refer the Annexure-15. SRC did not send any letter in this regard till now. As per the appeal order our institution was a pending applicant in this case. Hence the objection may be vacated. University has been appointing teaching faculty on full time basis by giving notification in accordance with UGC regulation and NCTE norms 2. Our Centre APSO 2943 has the teaching faculty with more than 12 years experiences. Please refer the date of appointment of the faculty members in the approved staff list. (Annexure-13) Salary and terms of appointment of these staffs are in accordance with University norms, Kerala Government approved a scale of pay to the staff on 09.07.2015 (G.O. (Ms.) No. 416/2015/H.Edn. dated 09.07.2015 (Annexure-14) The honourable Appeal Committee may consider above the factual information for considering this appeal against the withdrawal of the recognition of Teacher education Centre Chakkittapara (APSO2943)."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.



4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.
5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that **"Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above."** Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance'** Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.
6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.
7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.



8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.
9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.
10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.
11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.
12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw



recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre Chakkittapara, 226/11 Chakkittapara, Koyilandy, Kozhikode, Kerala - 673526
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-04/E-234582/2022 Appeal/3rd Meeting, 2022
APPLSRC202114228**

Calicut University Teacher Education Centre-Vatakara, 55/5 and 55/6 Puthuppanam, Palolippalam Vatakara, Kozhikode, Kerala-673105 APPELLANT	<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	Dr. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Calicut University Teacher Education Centre-Vatakara, 55/5 and 55/6 Puthuppanam, Palolippalam Vatakara, Kozhikode, Kerala-673105 dated 22.12.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS02947/B.Ed./{(KL)/2021/128896 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms and Standards notified from time to time. Initially Teacher Education Centre was established in Govt. Schools and has made no effort to construct own building. As per NCTE Regulations, and institution should possess own land and building exclusively for B.Ed.

college. Till date these Teacher Education Centres have not constructed their own building for B.Ed. course which is clear violation of NCTE Act and its Regulation. Major changes were made in NCTE Regulations 2014 wherein one-year B.Ed. course was converted in Two years B.Ed. course. All B.Ed. colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with Regulations 2014 and obtained Revised Provisional Recognition Order, Whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with the NCTE Regulation 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after withdrawal of recognition they always rely up on filing court cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting sub-standard Teacher Education to the Students, Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality teacher education, whereas these Centres are running with minimal staff thereby compromising the quality of the B.Ed. Programme. Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-2015. Hence, these Centres are not an existing institution and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. programme illegally from the year 2014 as per the law of the land. Faculty and Facilities in these Centres are temporary in nature all along from the establishment of the B.Ed. course. Till now permanent faculty as per NCTE Norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre-Vatakara, 55/5 and 55/6 Puthuppanam, Palolippalam Vatakara, Kozhikode, Kerala-673105 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal it is submitted that “It may kindly be noted that the Calicut University Teacher Education Centre-Vatakara and University of

Calicut did not try to challenge the Regulations, Norms and Standards notified by NCTE from time to time. University had made serious efforts to comply with the norms and standards of NCTE with respect to Vatakara Centre. University established the Vatakara Centre on 30.04.1999 according to the Government Order G.O 10911/B1/99/H.Edn.TVM dated 30.04.1999 in a building near to old bus stand, Vatakara to meet the growing demands of Public. The conveniences were provided by the Vatakara Municipality. Annexure-1, (Related Government Orders). Ever since from its inception on 1999, University made serious efforts to procure own land, building, instructional facilities, and staff to Centre to comply with the NCTE norms. 1. In 2000, Vatakara Municipality donated 83 cents of land to University of Calicut as per the Order of Govt. of Kerala State (G.O(SA)4797/2000/LAD dated Thiruvananthapuram 30.11.2000. (Annexure-2) Secretary of Vatakara Municipality and Registrar of University of Calicut made an undertaking in 18.12.2000 to transfer the land to University (Annexure-3). 2. Now the Land is legally transferred to University of Calicut, please refer the Land Sketch, Land documents, etc. in this regard. (Annexure-4). Now the Vatakara B.Ed. Centre has 3124 sq.mtrs land area against the required 2500 sq.mtrs. 3. In 2005, University of Calicut was started the construction of own building to Vatakara B.Ed. Centre to comply with norms and regulation of NCTE. Annexure-5 (Building Permit) 4. In 29.01.2018, University completed the construction of the building with build up area 1884 sq.mtrs against the required 1500 sq.mtrs to one unit. Annexure-6 (Building Plan and Building Completion Certificate) 5. Vatakara B.Ed. Centre complied all the infrastructure facilities as per the NCTE norms 2014. Please refer the Annexure-7 (Photographs of the infrastructure facilities) 6. Vatakara B.Ed. Centre has qualified Full Time basis Teaching Staffs as per the NCTE norms. They have been appointing as per the norms and standards notified have been appointing as per the norms and standards notified by NCTE from time to time. Some of the Teaching staffs were appointed as per the 2002, 2007, 2009, 2014 and 2017 norms. Please refer the Approved Staff list Annexure-8 7. University implemented scale of pay to the Staffs as per the Kerala Government Order (G.O. (Ms.) No:416/2015/H.Edn. dated Thiruvananthapuram, 09.07.2015) to comply with the norms and standards of NCTE. Annexure-9. After procuring the norms and Conditions of NCTE from time to time, University invited SRC NCTE four times to grant permanent recognition to the B.Ed course of Vatakara Centre in 2004, 2008, 2014 and 2016 (Composite visit). The factual information given above underlines the Vatakara B.Ed. Centre made serious efforts to comply with norms and regulations of NCTE from time to time. Hence this objection to withdrawal may be kindly reconsidered. In this regard it may kindly be noted that, 1. Vatakara B.Ed. Centre was established in 1999 to meet the growing public initiatives to start the B.Ed. Centre were taken by the Vatakara Municipality. With the financial help of the Vatakara municipality B.Ed. Centre was established in a building provided by the Vatakara



Municipality. 2. Vatakara Municipality provided 83 cents of land to University of Calicut to construct building for B.Ed. Centre in 2000 itself as per the Government order (G.O(SA)4797/2000/LAD dated Thiruvananthapuram 30.11.2000. Please refer the Annexure-2. Now the Vatakara Municipality legally transferred this land in the name of Registrar, University of Calicut. Hence the objection raised here for the own land may be reconsidered favourably. 3. University started to construct own building to B.Ed. Centre in 2005 by utilizing plan fund. The construction process was completed in 29.01.2008. The delay may be excused due to the procedures for availing the plan fund. In the building. Soon after SRC, NCTE pointed out this as against the norms of NCE in its visit on 2008, University shifted the MA Folklore to Main Campus of the University in 2009. Now the Building is only for B.Ed. course. Please refer the Annexure-7. Hence the objection regarding 'an institution should possess own land and building exclusive for B.Ed. College' may be reconsidered favourably. The honourable appellate body may go through the above facts and reconsider the objection (b) raised against Vatakara Centre (APSO-2947). It may kindly be noted that 1. University has been trying hard to achieve the permanent recognition from NCTE SRC. For this purpose, the Registrar, University of Calicut had sent a request to NCTE to grant recognition to 11 CUTECS (including APSO 2947) on 06.05.2014 before implementing 2014 regulation. It may please be noted that 2014 regulation was implemented on 28.11.2014 2. NCTE issued a notice on 21.08.2014 (F.SRO/APSO29 51/B.Ed/KL/2014/5 9227 dated 21.08.2014) to submit relevant documents and fees for inspection. Accordingly, the Registrar, University of Calicut submitted an application to SRC, Bangalore to provide permanent recognition to Vatakara Centre by remitting inspection fee of RS. 50,000/- on 11.09.2014 with necessary documents and was waiting for inspection. 3. But NCTE, SRC Vatakara Centre (F.no. SRO/APSO2947/B.Ed./KL/2014/6017 (Annexure-10) 4. Vatakara Centre replied to this on 28.01.2015 (Annexure-11) and the subsequent Show Cause Notice on 09.03.2015 and Vatakara B.Ed. Centre replied to it on 19.03.2015. This implies that the recognition process was under processing during these periods. 5. As a follow up of this procedure. University of Calicut and the Vatakara B.Ed. Centre was expecting a visit from SRC to grant permanent recognition. 6. Meanwhile NCTE introduced its new regulation on 28th November 2014 in the 'The Gazette of India: 'Extraordinary'. 7. Though the application of Vatakara Centre was under processing and the University did not receive any communication from the SRC to submit the affidavit. 8. During this period, the recognition of this Centre was upheld vide judgement of Hon'ble High Court of Kerala ((W.P. No. 33636 of 2009 dated 17.08.2010) (Annexure-11). The Hon'ble High Court of Kerala left freedom to NCTE, SRC to recall approval if the Centre does not make up facility pointed out by the NCTE, but SRC did not withdraw the recognition of Vatakara B.Ed. Centre and not considered as recognized institution as per the Court order. Any

official communication citing the submission of an affidavit was not received neither in the University nor in the Vatakara B.Ed. Centre while introduced 2014 norms and regulation. 9. As per the letter No. F.51-4/2014/NCTE/N & S dated 24.12.2014 published in the NCTE website, it is clearly suggested to SRC as, "This is in continuation of this office email dated 18.12.2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institution whose applications are pending for processing was sent "Though our application was pending in SRC. This privilege was not provided to Vatakara B.Ed. Centre. Please refer the Annexure-12. 10. As the replies for the Show Cause was submitted, assuming a permanent recognition to the Centre will be awarded after the visit SRC, however no visit was taken place and the date of submitting the affidavit was over. 11. The University of Calicut by abiding the NCTE regulation 2014, restructured the one-year B.Ed. programmed into Two-year course (U.O. No. 8664/2015/Admin. Dated 06.08.2015). Please refer the Annexure-13. Vatakara B.Ed. Centre also switched over to 2014 regulation and reduced the strength to one unit (50 students) against the approved annual intake of 115 students. Though Vatakara B.Ed. Centre complied with the 2014 NCTE regulation, the Centre or the University failed to submit an Affidavit and was expecting a letter to submit the affidavit form the SRC, NCTE. However, the failure to submit affidavit, though inadvertent, is deeply regretted. In this context the Honorable appellate body may be kind enough to reconsider this objection in the light of above-mentioned facts and accept the affidavit duly filled up and signed by the Registrar, University of Calicut and condone the delay. (Annexure-14-Apology letter and Affidavit). In this regard our prayers are, 1. For the recognition of the Vatakara Centre University of Calicut approached Hon'ble High Court of Kerala in 2009 only. University compelled to do so only, because the Vatakara B.Ed. Centre (APSO-2947) put all its efforts to comply with the norms of NCTE ever since its establishment. While SRC visited the Centre on 17.12.2008 and withdrawn its recognition on 26.06.2009 (F.SRO/NCTE/B.Ed./2009-10/14173 dated 26.06.2009). SRC pointed out the existence of MA Folklore in the same building as one of the major demerits. That deficiency was immediately rectified by the University by shifting that course into main campus of the University on 10.08.2009 itself. After shifting MA Folklore, the total builds up area of 1884 sq. meters and 83 cents of land became exclusively for B.Ed. course. In this context, it is brought to the kind attention that the Vatakara B.Ed. Centre is catering quality teacher education to meritorious, economically, and socially backward students by abiding all the reservation policies of the State and Central Government. In a situation where the Centre's recognition was withdrawn and the future of the students in the Centre was jeopardized by the withdrawal order, University had no other alternatives, than approaching the court. (Annexure-11). 2. After the Court judgement, in 2014, by fulfilling the requirements, the University submitted application to NCTE, SRC to visit the

Centre but without visiting SRC withdrew the recognition in 2021. (F.SRO/NCTE/APSO2947/B.Ed./KL/2021/128836 dated 27.10.2021). Annexure-15 3. University appointing teacher faculty in Vatakara B.Ed. Centre as per the norms and regulations of NCTE from time to time. In fact, this Centre provides quality and standard education to students' community.

4. The Teacher Education Centre, Vatakara is the most sought Teacher Education Institution in Kerala by the students' application, bearing all the quality teaching facilities available with the Centre. University admits the students in meritorious bases by abiding the rules and regulations of Central and State Governments. It may kindly be noted that University has been seriously made many efforts to satisfy the NCTE norms from time to time, hence the objection 'Vatakara B.Ed. Centre imparting substandard education to the students' is against the existing facts. Hence, the Appellate body may be kind enough to reconsider this reason for withdrawing the Course. In this regard it may please be noted that, 1. University has been appointed full time staff in the B.Ed. Centre as per the norms of NCTE from time to time (2002, 2007, 2009, 2014 and 2017 norms). 2. Faculty members are selected as per the UGC norms by ensuring the qualifications of NCTE. 3. While the 2007 norms were prevailing (from 27.11.2007 to 12.05.2009) we had 8+1 mandatory teaching staffs and one part time physical education staff. 5. As we shifted to the 2014 norms, for one unit intake, Vatakara B.Ed. Centre has 7+1 full time faculty members and 3 part time faculty members for teaching Yoga and Physical Education Fine Arts and Performing Arts. Please refer the date of appointment of teaching staffs from the Approved Staff list (Annexure-8). The Vatakara B.Ed. Centre is complying all the norms and standards with the Teaching Faculty in tune with the NCTE norms revised from time to time, hence this objection "these Centre are running with minimal staff there by compromising the quality of B.Ed. program" may be reconsidered. In this regard our prayers are, 1. University of Calicut did not submit the affidavit not for challenging the regulations of NCTE 2014. But University had ambiguity in this matter due to two reasons, first, the recognition of University Centre was under the judgement of Hon'ble High Court of Kerala and the second, the University Centre Vatakara submitted application to SRC during that period to visit and grant the recognition (pending application). While NCTE introduced the 2014 regulation, University was expected a communication from the SRC asking us to submit the affidavit by treating us as pending applicants or Court Order protecting institutions. These are the factual information with respect to this objection. 2. Moreover as per the letter No. F.51-4/2014/NCTE/N & S dated 24.12.2014 published in the NCTE website, it is clearly suggested to SRC as, "This is in continuation of this office email dated 18.12.2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose applications are pending for processing was sent". But SRC did not provide this privilege to APSO 2947. Please refer the Annexure-12. 3. However, our institution

shifted to 2014 regulations by accepting one block (50 Students against the approved 115 intake) and staff pattern, etc. 4. While SRC conducted a composite visit (both for B.Ed. and M.Ed.) on 22.03.2016 and its subsequent Show Cause Notices on 26.05.2016, on 26.05.2016, 30.11.2016, 10.02.2017 SRC did not mention anything about of filing the affidavit (Annexure-16) In the light of above facts the honourable appellate body may kindly condone the omission and accept the affidavit signed by the Registrar, University of Calicut now, Annexure-14. In this regard it may kind be noted that, 1. University has been appointing teaching faculty on full time basis. 2. Our Centre APSO 2947 has the teaching faculty with more that 15 years of teaching experiences. For instance, Ms. Amrutha. P.K appointed in this B.Ed. Centre on 19.07.2006 as per the NCTE norm 2002 and hence the objection "Faculty are temporary in nature" is against facts. Please refer the date of appointment of the faculty members in the approved staff list for further clarification. (Annexure-18) 3. Salary and terms of appointment of teaching faculty are according to the University norms. The Staff salary and other benefits are according to the norms of Kerala Government (G.O. (Ms.) No. 416/2015/H.Edn. dated 09.07.2015 (Annexure-9) University of Calicut appointed well qualified teaching faculties in Vatakara B.Ed. Centre providing competent salary and other benefits. 4. Infrastructural and Instructional Facilities in the Centre are permanent in nature. In this regard it may please be noted that APSO 2947 has well-furnished Library with more than 6558 books, Psychology Lab with all equipment and tests, well furnished Science Lab, Boys common room, Girls Common room, Principal Cabin, Office Room, Staff Room, Classrooms, etc as per the NCTE norms. These facilities have been updating as per the NCTE norms from time to time by providing Budget allotment by university. Annexure-14 So the objection, 'facilities in these Teacher Education Centers are temporary in nature all along from the establishment of the B.Ed. course' stands against the facts. Hence the objection raised as item number (g) against Vatakara B.Ed. Centre may be reconsidered. So, the University and Vatakara B.Ed. Centre pray to the Honorable appeal committee go through our factual information while taking the final decision with regard to the withdrawal B.Ed. course in Vatakara B.Ed. Centre (APSO2947)."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.



2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).
3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.
4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.
5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that **"Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above."** Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance'** Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.
6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre-Vatakara, 55/5 and 55/6 Puthuppanam, Palolippalam Vatakara, Kozhikode, Kerala-673105
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**F. No. 89-5/E-234583/2022 Appeal/3rd Meeting, 2022
APPLSRC202114237**

Calicut University Teacher Education Centre, 439/1 Poomal Sulthan Bathery, Wayand, Kerala-673592 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. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Calicut University Teacher Education Centre, 439/1 Poomal Sulthan Bathery, Wayand, Kerala-673592** dated 24.12.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE/Regl019/230/2021-Regulation Section-SRC/128890 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms and Standards notified from time to time. Initially Teacher Education Centre was established in Govt. Schools and has made no effort to construct own building. As per NCTE Regulations, and institution should possess own land and building exclusively for B.Ed. college. Till date these Teacher Education Centres have not constructed their

own building for B.Ed. course which is clear violation of NCTE Act and its Regulation. Major changes were made in NCTE Regulations 2014 wherein one-year B.Ed. course was converted in Two years B.Ed. course. All B.Ed. colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with Regulations 2014 and obtained Revised Provisional Recognition Order, Whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with the NCTE Regulation 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after withdrawal of recognition they always rely up on filing court cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting sub-standard Teacher Education to the Students. Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality teacher education, whereas these Centres are running with minimal staff thereby compromising the quality of the B.Ed. Programme. Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-2015. Hence, these Centres are not an existing institution and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. programme illegally from the year 2014 as per the law of the land. Faculty and Facilities in these Centres are temporary in nature all along from the establishment of the B.Ed. course. Till now permanent faculty as per NCTE Norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014”

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre, 439/1 Poomal Sulthan Bathery, Wayand, Kerala-673592 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal it is submitted that “Since 2002 Calicut University Teacher



Education Poomala had serious and wholehearted effort to comply with NCTE regulations and norms. University established Bathery Centre on 20.04.2002 by the U O No GA. II/G3/425/2002 (Annexure-1). Teacher Education Centre, Poomala purchased own land (1acre 25 cents) 0.5059 hectors in September 2006. (Annexure-2) to meet the NCTE norms. Teacher education Centre constructed building in this land by using the MLA fund. NCTE visited the Centre on 26.05.2004 and recognized NCTE by the order no FKL/sec/UNI/04/SRO/NCTE/2004-2005/4858 Dt. 13.07.2004 (Annexure-3). The Centre has well qualified teaching facilities, its own building and other basic infrastructure to conduct the B.Ed. programme. After satisfying the conditions mentioned in the recognition order, University approached NCTE to visit the Centre. In 17.12.2008, NCTE team visited the Centre and unfortunately SRC withdrew the recognition on 26.06.2009(F.SRO/NCTE/B.Ed./2009-10/14175 dated 26.06.2009). Annexure-4). On 5/10/2005 SRC of NCTE revoked the recognition of this Centre through order no. SRO/NCTE/APSO2942/B.Ed./KL/2015-16/74727. (Annexure-5). Calicut University Teacher Education Sulthan Bathery approached NCTE Delhi with an appeal (Appeal no APPL2494 of 30.11.2015 (Annexure-6). NCTE Delhi rejected the appeal and confirmed SRC's withdrawal order. University of Calicut filed an appeal at Hon'ble High Court of Kerala. The Court has passed an interim order for one month on 12.08.2016 and extended this interim order until the further orders SRO/NCTE/APSO2942/B.Ed./K2/2015-16/74727 on 06.03.2007 (Annexure-5). Presently the Centre is running under the above-mentioned Court order. By considering the education backwardness and dearth of Teacher Education institution, the University of Calicut sanctioned a Teacher Educations Centre at Sulthan Bathery wide order no GA. II/G3/424/2002 dated 20.04.2002 (Annexure-1). The Centre commenced its classes in a rented building in Holy Cross Church Poomala. As per NCTE norms and regulation TEC required own land and building. For this purpose, the Centre purchased 0.5059 hectors (1 acre 25 cents) of Land in September 2006. Third phase of the building were completed on 20.11.2017, Ref. NKW-614/16(Annexure-7). This Centre now has its own land and building. In this regard excuses are not enough to pardon the mistakes; however, the following facts may be considered favorably. University has been seriously trying to achieve the permanent recognition from the NCTE SRC. For this sake, on 06.05.2014 Registrar University of Calicut had sent request to NCTE to grant recognition to 11 CUTECS (including APSO 2942). NCTE issued a notice on 21.08.2014 (F.no. SRO/APSO2942/B.Ed./KL/2014/5 9227 dated 21.08.2014) to submit relevant document and fees for inspection. According to that Registrar of University Calicut submitted application to SRC along with required visit fee. During this time NCTE introduced its new regulation in 28.11.2014 by 'The Gazette of India: 'Extraordinary'. The SRC, NCTE did not sent any communication to this TEC, Poomala (APSO-2942) or the Registrar



University of Calicut intimating to submit the affidavit in prescribed format. During these periods the recognition of this Centre was under the judgement of Hon'ble High Court of Kerala ((W.P. (c) No. 26895/2016(J) dated 12.08.2016 ((Annexure-8). The Hon'ble High Court of Kerala left freedom to NCTE, SRC to withdraw its recognition of Tec, Poomala. By treating these Centre as recognized one, on the basis of the Hon'ble High Court Judgement and the SRC not issued any letter to submit affidavit. But NCTE, SRC sent a Show Cause Notice to the Centre on (F.no. SRO/APSO2942/B.Ed./KI/2014/ 60916 dated 05.01.2015) (Annexure-9). TEC Poomala replied to this on 28.01.2015. TEC Poomala is in accordance with NCTE regulation 2014 and reduced the strength to one block (50 students), staff pattern etc. Please see the U.O for the two-year curriculum Under these circumstances and perusing the above facts appellate authority may permit the University and the TEC to submit a new affidavit, abiding the NCTE regulation 2014. (Annexure-10). SRC revoked the recognition of this Center through order no: SRO/NCTE/APSO 2942/B.Ed. /K2/2015-16/74727. The Centre approached NCTE Delhi for an appeal and the appeal was rejected on 25.02.2016. The University of Calicut approached the Hon'ble High Court of Kerala and Hon'ble High Court of Kerala granted interim order until further orders through IA No. 3587/2017 on WPC no. 26865/2016(7). After receiving the order of the High Court of Kerala, the institution added 371.60 m2 build up area. Further through UO no.20503/2021 Admin dated 10.12.2021 allocated Rs. 4,02,000/- for institutional facilities. Through the same UO No, the Syndicate of the University of Calicut recommended to construct remaining build up area. The University approached the Hon'ble High Court in best interest of the students and the Teaching Community and at the same time fulfill the NCTE norms. In this regard it may kindly be noted that, University has been appointed full time dedicated staff in the B.Ed. Centre as per the norms of NCTE from time to time (2007, 2009, 2014, 2017 norms). Faculty members were selected according to UGC norms, by a selection committee. Qualified and competent faculty members are appointed by the University in our Centre. While the 2009 norms were prevailing, we had 7+1 mandatory full time Teaching faculties and one physical education part time lecture. When the University shifted the course to 2014 norms, we have been 7+1 full time faculty and 3 part time faculty members in Yoga/ Physical Education, Performing Arts and Fine Arts((Annexure-11). In this regard it may please be noted that, though the Registrar, University of Calicut submitted application to visit the Centre on 11.09.2014, SRC did not visit the Centre to give recognition. TEC Poomala and University were expecting the visit from that date onwards. NCTE issued new regulation on 28.11.2014. SRC had not sent any letter to university or to the TEC Poomala asking the willingness to accept the 2014 norms. TEC Poomala got a court order WPC no. 26865/2016/7, and an interim order was issued by the High Court of Kerala. Based on this the Centre did not submit the affidavit as well as the

Revised Provisional Recognition order, perusing that the Centre has recognized. The teaching faculties of TEC Poomala are appointed by the University abiding the norms of NCTE and UGC. Higher Education Department of Kerala issued order GO (Ms.) No. 416/2015/H.EDN dt 09/07/2015(Annexure-12)., granting the University to permission to implement scale of pay. The teachers are paid annual increment for their services."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.

5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that "Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above." Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies



pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance'** Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by

submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre, 439/1 Poomal Sulthan Bathery, Wayand, Kerala-673592
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-6/E-234585/2022 Appeal/3rd Meeting, 2022
APPLSRC202114230**

Calicut University Teacher Education Centre Aranattukara, 1 Aranattukara, Karthyayani Temple Road, Thrissur Kerala-680618 APPELLANT	<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	Dr. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Calicut University Teacher Education Centre Aranattukara, 1 Aranattukara, Karthyayani Temple Road, Thrissur Kerala-680618 dated 02/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. SRO/NCTE/APS02155/B.P.Ed./[KA]/128729 dated 06.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.P.Ed. Course on the grounds that "10(a) The teacher Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms & Standards notified from time to time. 10(B) Initially Teacher Education Centre was established in Government Schools and had not made efforts to construct own building. As per NCTE Regulations, an institution should possess

own land and building exclusive for B.Ed. college. Till date these Teacher Education Centres have not constructed their own Building for B.Ed. Course which is clear violation of NCTE Act and its Regulations. 10(c) Major changes were made in NCTE Regulations 2014 wherein One-year B.Ed. course was converted into Two-Year B.Ed. Course. All B.Ed. colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with Regulations 2014 and obtained Revised Provisional Recognition Order, Whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with NCTE Regulations 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. 10(d) Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after Withdrawal of Recognition they always rely upon filling Court Cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting sub-standard Teacher Education to the students. 10(e) Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality Teacher Education, whereas these Centres are running with minimal staff thereby compromising the quality of B.Ed. Program. 10(f) Since these Teacher Education Centres have neither submitted Affidavit nor obtained revised provisional recognition order from SRC, NCTE in the year 2014-2015. Hence these Centres are not an existing institution and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. Program illegally from the year 2014 as per the law of the land. 10(g) Faculty and facilities in these Teacher Education Centres are temporary in nature all along from the establishment of the B.Ed. course. Till date permanent Faculty as per NCTE norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014"



II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre Aranattukara, 1 Aranattukara, Karthyayani Temple Road, Thrissur Kerala-680618 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal it is submitted that "It is most humbly submitted that, The Calicut University Teacher Education Centre was established in the year 1994 at Govt. VHHS allure, Thrissur. Later the University applied for recognition of the NCTE and granted recognition on 13.07.2004 with condition that the University Centre shall shift to its own premises-building within three years from the date of recognition order (Annexure-1). The inspection of the Teacher Education Centre was conducted on 18.12.2008 by SRC and SRC decided to issue Show Cause Notice on 03.04.2009 on the reason appended (Annexure-2). NCTE withdrew the recognition from 2009-2010 (Annexure-3) on the ground that institution failed to meet the requirements mentioned in SCN within the stipulated time. Aggrieved by the order of SRC, the institution filed an appeal, but The Appellate Authority also upheld the withdrawal order. Then the institution filed a Writ Petition before the Hon'ble High Court of Kerala. Hon'ble High Court of Kerala stayed the decision of NCTE (Annexure-4). In the meantime, University constructed an own building for the Centre with adequate build up area and other infrastructure facilities as per area and other infrastructure facilities as per the norms of NCTE. (Annexure-5). NCTE issued a notice to submit relevant documents and fees for inspection. However, NCTE-SRC did not conduct any visit. Without visiting, SRC served a Show Cause Notice and withdrawn the recognition from the academic year 2015-16 pointing out three reasons (Annexure-6). Appeal filed by the Centre against the withdrawal of recognition and submitted adequate documents to prove the rectification of deficiencies. An order issued by NCTE, forwarding the matter of withdrawal of recognition of the Teacher Education Centre, back to NCTE-SRC. A letter was given by the principal to NCTE-SRC requesting the recognition of the Centre. No official communication was received from SRC-NCTE on this issue and the Centre received the withdrawal order dated 27.10.2021. The factual information given above underlines that our Centre made serious efforts to comply the norms and regulations of NCTE from time to time. The Centre was started at Gov. Vocational Higher Secondary School, Ollur with temporary arrangement. Later the institution was shifted on 01.12.2010 to Dr. John Mathai Centre, Aranattukara, Thrissur which is the Regional Campus of University of Calicut (Annexure-7). The Centre now working in its own building with adequate build up area (1678 Sq. Meters) in compliance of NCTE Regulations, 2014 to run one unit of B.Ed. course. The building plan approved by the University Engineer and the Building Completion Certification given by the Chief Engineer of the University had already been submitted to NCTE (Annexure-8).



The Hon'ble appellate body may go through the above facts and vacate this objection of Aranattukara Centre (APSO2940). University has been trying hard to achieve the permanent recognition from NCTE-SRC, for this purpose, on 10.09.2014 the Registrar, University of Calicut requested to NCTE to grant recognition to 11 CUTECS (including APSO2940). The Centre submitted relevant documents along with duly filled questionnaire and University remitted a fee of Rs. 50,000/- as visiting fees on 10.09.2014 (Annexure-9). As a follow up of this procedure, University of Calicut and the Aranattukara B.Ed. Centre was expecting a visit from SRC to grant recognition. During this period NCTE introduced its new regulation in 28.11.2014 by the 'The Gazette of India: 'Extraordinary'. The Aranattukara Centre and the University did not receive any communication to submit the Affidavit in the prescribed format from the SRC. During this period, the recognition of this Centre was upheld vide judgement of Hon'ble High Court of Kerala (W.P. No. 33636 of 2009 dated 17.8.2010) (Annexure-10). The Hon'ble High Court of Kerala left freedom to NCTE, SRC to recall approval if the Centre does not make up facility pointed out by the NCTE, but SRC did not withdraw the recognition of the Centre and any communication citing the submission of an affidavit was not received neither in the University nor in the Aranattukara B.Ed. Centre while NCTE introduced 2014 norms and regulation. But NCTE, SRC sent a Show Cause Notice to Aranattukara Centre dated 05.01.2015 and Centre replied to this on 10.02.2015. This implies that the recognition process was under processing during these periods. As per the letter No. F.51-2014/NCTE/N & S dated 24.12.2014 published in the NCTE Website, it is clearly suggested to SRC as, "This is in continuation of this office email dated 18.12.2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose applications are pending for processing was sent" (Annexure-11). As the replies for the Show Cause was submitted assuming a permanent recognition to the Centre will be awarded after the visit of SRC. However, no visit was taken place and the date of submitting the affidavit was over. Hence, Aranattukara Teacher Education Centre couldn't submit the affidavit and not apply for the Revised Provisional Recognition. However, the institution had fulfilled the revised norms relating to admission process (ONE BLOCK OF 50 Students), curriculum and implementation strategies, in view of the change in Duration / intake of the programme offered in the institution within the time limit allowed by NCTE. Our Centre followed the revised Two-year B.Ed. curriculum of Calicut University (Annexure-12). In this context the Hon'ble Appellate body may be kind enough to accept the Affidavit duly filled up and signed by the Registrar and condone the delay (Annexure-13). It may kindly be noted that, our institution has been trying to improve its facilities and human resources to provide Quality Teacher Education and convince that to NCTE through its replies to previous Show Cause Notices and withdrawal orders. Being a university owned institution some



Operational delays have been occurred which slowed down the developmental process. It is brought to your kind notice that our Centre is catering quality teacher education to meritorious, economically, and socially backward students by abiding all the reservation policies of the State and Central Government. It is a public interest that this institution, which is run in compliance with the norms of NCTE and principles of government reservation, should survive. The withdrawal of recognition by NCTE, created panic over the students and whole academic community who are the main stake holder of the Centre. The University was left with no option other than filling a WP, for reinstating the recognition of the Centre, for the best interest of the academic community. Hence the legal provisions of NCTE Act and Country's legislative measures have often had to be used with due respect as part of gaining / restore recognition for the Centre. University appointing full time staff in the B.Ed. Centre as per the norms of UGC and NCTE from time to time (2007, 2009, 2014, 2017 norms). The Scale to pay for the faculty members are fixed by G.O (MS) No: 416/2015/H.EDN dated 09.07.2015. (Annexure-14) When the 2009 norms were prevailing, we had 7+1 mandatory full-time teachers and one physical education part time lecture. When the University shifted the course to NCTE 2014 norms, the Centre had 7+1 full time faculty and 3 part time faculty University appointing full time staff in the B.Ed. Centre as per the norms of UGC and NCTE from time to time (2007, 2009, 2014, 2017 norms). The Aranattukara B.Ed. Centre is fulfilling all norms and standards in tune with the NCTE, revised from time to time, hence this objection may be vacated. It is respectfully informed that, though the Centre had neither submitted Affidavit nor obtained Revised Provisional Recognition in the year 2014-15, it followed the revised norms and regulations of NCTE for two-year B.Ed. course. The Centre is adhering to the regulations of NCTE 2014 in admission process and curriculum implementation. As per the letter No. F. 51-/2014/NCTE/N & S dated 24.12.2014 published in the NCTE website, it is clearly suggested to SRC as, "This is in continuation of this office email dated 18.12.2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose applications are pending for processing was sent" (Annexure-11). As our institution was a pending applicant in that case. Due to not being included in the recognized B.Ed. college lists of the SRC, the institution had not received any intimation to take required action to submit the affidavit for revised provisional recognition. However, our institution tuned to 2014 regulation by accepting one block (50 students against the approved 100 intake) and staff pattern, etc. The above points clearly stated that, Teacher Education regulation of NCTE 2014, hence this objection may be vacated. It is to inform that; the University have ensured all the norms and regulation of NCTE for appointing facilities in this institution. The facilities are appointed on full time basis by strictly complying with the NCTE terms and conditions existing during the appointment conditions existing during the appointment



period. The Scale of pay for the faculty members are fixed by G.O (Ms.) No. 416/2015/H.EDN dated 09.07.2015. Most of the teaching facilities in our Centre has more than 10 years teaching experiences. Please refer the date of appointment of the faculty members in the approved staff list. (Annexure-15) The institution has been able to utilize University fund as well as local governing bodies financial support to develop infrastructural facilities from the beginning itself and efforts are being made to further develop the facilities. So, I pray to the Hon'ble appeal committee that this factual information and the supporting evidence may be considered for reinstating the recognition of Teacher Education Centre Aranattukara."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.

5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that "Even though the grounds for recalling recognition



granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above." Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that 'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance' Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.



9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre Aranattukara, 1 Aranattukara, Karthyayani Temple Road, Thrissur Kerala-680618
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 Kerala.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-7/E-234758/2022 Appeal/3rd Meeting, 2022
APPLNRC202114238

Tau Devi Lal Memorial College of Education, 76,77, Manan, Manana Road, Samalkha, Panipat Haryana-132101 <u>APPELLANT</u>	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Dr. Kavita (Principal)
Respondent by	Regional Director, NRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUNDS OF REFUSAL

The appeal of **Tau Devi Lal Memorial College of Education, 76,77, Manan, Manana Road, Samalkha, Panipat Haryana-132101** dated 24/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No F. No. NRC/NCTE/NRCAPP-14187-B.El.Ed./357th (Virtual) Meeting/2021/216379 dated 23.11.2021 of the Northern Regional Committee, refusing recognition for conducting B.El.Ed. Course on the grounds that "The Institution has submitted a faculty list approved by the affiliating body on 17/04/2019, which is so old whereas the institution was directed to submit the latest faculty list. 2. Particular of staff submitted countersigned by the registrar of the affiliating university on 15.07.2021 **countersigned is not acceptable.**"

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Kavita (Principal), Tau Devi Lal Memorial College of Education, 76,77, Manan, Manana Road, Samalkha, Panipat Haryana-132101 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "All the staff members selected for this course ready to join till date as well these are purposed faculty members. In future after permission of course if any faculty member refuse to join, we follow a fresh university inspection."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that Appellate Authority by its earlier Appeal order dated 26.04.2019 had directed the NRC to consider the explanation of the appellant as contained in their letter dated 27.02.2019. Appeal Committee further noted that appellant institution was asked by issue of final Show Cause Notice (FSCN) dated 10.03.2021 and 29.06.2021 to again submit latest faculty list and clarification regarding built-up area, Building Plan and website.

2. Appellant during the course of appeal hearing on 23.03.2022 stated that all documents and clarifications have already been submitted to NRC with documentary evidence.
3. Appeal Committee decided that appellant institution is required to submit once again the required clarifications and documents to NRC within 15 days of the issue of appeal order. Appeal Committee decided to remand back the case to NRC for consideration of the documents required to be resubmitted by appellant institution.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to remand back the case to NRC for consideration of the documents required to be resubmitted by appellant institution.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Tau Devi Lal Memorial College of Education, 76,77, Manan, Manana Road, Samalkha, Panipat Haryana-132101
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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-8/E-234762/2022 Appeal/3rd Meeting, 2022
APPLSRC202114234

Calicut University Teacher Education Centre Valapad, 135/12b, 135/12a, 135/13, 136/1e, 136/1f, 136/1b, Valapad, Chavakkad, Thrissur Kerala-680567 APPELLANT	<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	Dr. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Calicut University Teacher Education Centre Valapad, 135/12b, 135/12a, 135/13, 136/1e, 136/1f, 136/1b, Valapad, Chavakkad, Thrissur Kerala-680567 dated 23/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE-Regl019/230/2021-Regulatin Section-SRC/128890 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms & Standards notified from time to time. Initially Teacher Education Centre was established in Government Schools and has not made efforts to construct own building. As per NCTE

As per

Regulations, an institution should possess own land and building exclusive for B.Ed. College. Till date these Teacher Education Centres have not constructed their own Building for B.Ed. course which is a clear violation of NCTE Act-and its Regulations. Major changes were made in NCTE Regulations 2014 where in One Year B.Ed. course was converted into Two Years B.Ed. course. All B.Ed. Colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with the Regulations 2014 and obtained Revised Provisional Recognition Order, whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with NCTE Regulations 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after Withdrawal of Recognition they always rely upon filing Court Cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting substandard Teacher Education to the students. Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality Teacher Education, whereas these Centres are running with minimal staff there by compromising the quality of B.Ed. program. Since these Teacher Education I request your kind attention to the following. Though the Registrar, University of Calicut Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-15. Hence, these Centres are not existing institutions and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. program illegally form the year 2014 as per the law of the Land. Faculty and facilities in these Teacher Education Centres are temporary in nature all along form the establishment of the B.Ed. course. Till date permanent Faculty as per NCTE norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014"



II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre Valapad, 135/12b, 135/12a, 135/13, 136/1e, 136/1f, 136/1b, Valapad, Chavakkad, Thrissur Kerala-680567 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal it is submitted that "Calicut University Teacher Education Centre started by the Calicut University Syndicate decision in the year 2002. As per the letter F.SRO/NCTE/2004-2005/3115 dated 13.05.2004 (Annexure 1) NCTE intimated their visit to the Centre. NCTE granted recognition as per the order no. F. KL/SEC/UNI/N/11/SRO/ NCTE/2004-2005/4860 dated 13.07.2004. (Annexure 2) The Centre received the letter from the Calicut University (No. GAIII/G3/850/2004 dated 10.08.2004) (Annexure 3) regarding the recognition of the Centre from the Regional Director NCTE Bangalore. As per F.SRO/NCTE/2007/INSP/ 13116 dated 17.10.2007 (Annexure 4) intimated their visit to the Centres in the last week of October 2008 to inspect the infrastructural facilities of the Centre. A Show Cause Notice was received as per F. No. APSO2951/B.Ed./KL/2014/61023 dated 16.01.2015 (Annexure 5) which pointed the following 1. Original blueprint of the building plan certified by the competent authority is not submitted 2. Total build up area of the Centre is less than the required area of 3. Translated version of Encumbrance certificate not submitted 4. Teachers are in contractual bases, which is against NCTE regulations detailed reply was submitted by the Centre on 09.02.2015 letter ref. no. UTEC/VPD/NCTE/ (Annexure 6) SRC withdrawn recognition of the Centre, based on the ground that the Centre has inadequate build-up area and the institution not having regular staff. But by considering the appeal and personal presentation by (Dr.) P. KELU and the then syndicate member Sri RAJEEVAN MALLISERY, they kept the withdrawal order in abeyance. (Annexure 8) The Centre conducted the course by adhering to the norms and standards of NCTE, University of Calicut and the local Governing bodies made serious steps to fulfill unfractured facilities of the Centre to satisfy the norms and standards of NCTE. Calicut University Teacher Education Centre-VALAPAD (APSO2951) never challenge the Regulations, Norms and Standards notified by NCTE from time to time but tried to fulfil the norms in a constructive way. NCTE grant recognition as per the order No. F. KL /SEC/ UNI/ N/SRO/ NCTE/2004-2005/4860 dated 13.07.2004 (Annexure 9) in the order item No. 3 (C) The institution shall comply with the various other norms and standards in the NCTE regulations 2. As per these directions Centre purchased 1.25 acres of land and registered the landowner as Registrar University of Calicut with survey No. 135/12b, 135/12a, 135/13, 136/1e, 136/1f, 136/1b, 136/2, 135/10 3(Annexure 10). The Centre constructed a building with total ground area of 809 m2 (8705 square feet) (Annexure 11).



Remaining area will be constructed using MLA fund (Annexure 12). University of Calicut has been seriously trying to achieve the permanent recognition from the NCTE SRC, Registrar, University of Calicut had sent request to NCTE on 06.05.2014 to grant recognition to 11 CUTECS (including APSO2951). The year itself NCTE issued a notice to the Centre to submit relevant documents and fees for inspection. Accordingly, the Registrar University of Calicut submitted the application to SRC, Bangalore to visit the Centre and remitted a fee of Rs. 50,000/- as visiting fees on 11-09-2014 (Annexure 13) As a follow up of this procedure, University of Calicut and Teacher Education Centre VALAPAD was expecting a visit from SRC to grant recognition. And during these period Calicut University modified the B.Ed. curriculum into two-year mode w.e.f. 2015 academic year based on the NCTE 2014 regulations., the Centre also moved along with it. And the Centre was also waiting for the recognition in the above said period. The university as well as teacher education Centre was expecting the visit of NCTE team for inspecting the Centers under these circumstances I request the appellant authority to accept the affidavit duly filled up and signed by the registrar and may please condone the time lapse in filling the affidavit. Calicut university approached Hon'ble High Court in 2009 only. The Centre has been taken serious steps to satisfy the conditions of NCTE Calicut University Teacher Education Centre VALAPAD has been giving standard education to the student community that is why, every year students prefer to get admission in B.Ed. Centre than other private colleges. To ensure quality education University of Calicut appoint fully qualified full-time staff in the Centre., the withdrawal of recognition of teacher education Centre created a panic situation among the students and academic community. Thus, to ensure fair education to students the university was left with no other option than filing a court case in order to protect the interest of the students during the period. It may kindly be noted that University of Calicut and Govt. local body has been taking serious steps to satisfy the infrastructural facilities (Annexure 13). University has been appointing full-time staff in the Centre as per the norms of NCTE from time-to-time faculty members have been appointed by university only by UGC norms. So, the qualified and competent faculty members have been appointing by the university in the Centre. While the 2009 norms prevailing, we had 7+1 full time staff and three part time lecturer in our Centre 2014 norms, university of Calicut ensured 7+1 full time faculty and 3 part time faculty pattern to the Centre. I request your king attention to the following. Though the Registrar, University of Calicut submitted application to visit the Centre on 11.9.2014, SRC did not visited the Centre to give recognition. Centre and University had been expecting the visit from that date onward. As per the order SRC/NCTE/APSO2951/ B.Ed./KL/2015/64826 dated 15.05.2015 SRC withdrawn recognition of the Centre, based on the ground that the Centre has inadequate built-up area and the institution not having regular staff. But by considering the appeal and personal presentation by (Dr.) P. KELU and



the then syndicate member Sri RAJEEVAN MALLISSERY, they kept the withdrawal order in obedience. University of Calicut has been appointing teaching faculty on full time basis. Our Centre APSO2951 has the teaching faculty with more than 18 years experiences. Please refer the date of appointment of the facilities of the Centre (Annexure 15). So, I information and the supporting evidence may be considered for re-instating the recognition of the University Teacher Education Centre VALAPAD."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.

5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that "Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above." Quoting subsection 3 of



Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance'** Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for



50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre Valapad, 135/12b, 135/12a, 135/13, 136/1e, 136/1f, 136/1b, Valapad, Chavakkad, Thrissur Kerala-680567
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-9/E-234771/2022 Appeal/3rd Meeting, 2022
APPLSRC202114231**

Calicut University Teacher Education Centre Malappuram, Kootthilangadi 69/3, Padinhattumuri, erinthalmanna, Mlappuram, Kerala-676506 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. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Calicut University Teacher Education Centre Malappuram, Kootthilangadi 69/3, Padinhattumuri, erinthalmanna, Mlappuram, Kerala-676506** dated 22.12.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. NCTE-Regl019/230/2021-Regulation SRC/128890 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms & Standards notified from time to time. Initially Teacher Education Centre was established in Government Schools and has not made efforts to construct own building. As per NCTE

[Signature]

Regulations, an institution should possess own land and building exclusive for B.Ed. College. Till date these Teacher Education Centres have not constructed their own Building for B.Ed. course which is a clear violation of NCTE Act-and its Regulations. Major changes were made in NCTE Regulations 2014 where in One Year B.Ed. course was converted into Two Years B.Ed. course. All B.Ed. Colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with the Regulations 2014 and obtained Revised Provisional Recognition Order, whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with NCTE Regulations 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after Withdrawal of Recognition they always rely upon filing Court Cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting substandard Teacher Education to the students. Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality Teacher Education, whereas these Centres are running with minimal staff there by compromising the quality of B.Ed. program. Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-15. Hence, these Centres are not existing institutions and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. program illegally form the year 2014 as per the law of the Land. Faculty and facilities in these Teacher Education Centres are temporary in nature all along form the establishment of the B.Ed. course. Till date permanent Faculty as per NCTE norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014"



II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre Malappuram, Kootthilangadi 69/3, Padinhattumuri, erinthalmanna, Mlappuram, Kerala-676506 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal it is submitted that "It may kindly note that Calicut University Teacher Education Centre Malappuram and University of Calicut made all serious efforts to comply with the NCTE Regulations, norms and standards notified from time to time as described below. Calicut University Teacher Education Centre Malappuram was established on 2002 at MSP English medium High School Malappuram and shifted to a leased building at Kotilinga Malappuram (2003-10). The NCTE-SRC Bangalore as per the Order No. FKL/SCC/UNI/N/09/SRO/NCTE/2004-2005/4863 dated 13.07.2004 recognized the institution from the academic year 2004-2005 with an annual intake of 120 students (Annexure-2). In 2010-2011, new building was constructed with the built-up area 2307 sq mts and shifted to the own building as per the NCTE norms (Annexure-3 Building Completion Certificate). After furnishing the required built up area and infrastructure, University invited NCTE-SRC for visit the Centre and grant permanent recognition and currently the Institution is conducting the course according to the NCTE regulation of 2014 (Annexure 4-Hon'ble High Court Order) The factual information given above underlines the institution made serious efforts to comply the norms and regulations of NCTE from time to time. Calicut University Teacher Education Centre Malappuram has own building constructed in three acres of land purchased for this purpose by University of Calicut. There is a magnificent three staired building with a plinth are of 2307 square meter. There is also a parking area and playground. A land area of 60000 square feet level ground has been marked for playground (Annexure-5). In this regard it may kindly be noted that any communication with regard to the submission of affidavit to shift to NCTE norms of 2014 was not received from SRC-NCTE. The recognition of the B.Ed. Centre, Malappuram was under processing on 09.05.2014 onwards, whereas NCTE introduced new regulation on 28.11.2014. Calicut University and the institution were expecting the visit of the SRC team but withdrew recognition without visit. Hence, the institution had no provision to submit the affidavit as the appellate body confirmed the withdrawal. Thereafter University approached Hon'ble High Court of Kerala for a favourable judgement on the recognition to vacate the withdrawal (Remittance of FDR was the main reason) Hon'ble High Court of Kerala made a favourable judgement by requesting Government of Kerala to submit an affidavit n this regard. So, the recognition of this institution was under the process of Hon'ble High Court. NCTE SRC had not send any communication to the institution by giving a provision for filing the affidavit (Annexure 4) In accordance with the NCTE regulations 2014, the



University restructured the B.Ed. programme into 2-year course and revised the syllabus incorporating Yoga education, Physical education, Art/Drama education. The University has been conducting the B.Ed. programme in this Centre as a 2-year full time course from the academic year 2015-16 onwards ensuring the compliance with the NCTE regulation 2014 (Annexure 6). However, the failure to submit the affidavit, though inadvertent is deeply regretted. The Hon'ble Appellate body may kindly condone the omission and accept the affidavit signed by the Registrar (Annexure 7). The Centre has taken all possible measures to improve the facilities from time to time. Acting in agreement with the NCTE regulations and norms, the University purchased land and constructed a building exclusively for the B.Ed. programme and steadily improved other facilities like lab, library etc. Unfortunately, the SRC NCTE withdrew recognition vide F.SRO/NCTE/B.Ed./ 2009-10/14171 dated 26.06.2009 without considering the earnest efforts put in by the institution to improve the facilities and rectified the deficiencies pointed out by SRC. Naturally the institution preferred an appeal against the withdrawal. The appeal committee, however, confirmed the withdrawal of recognition (Order. F. No. 89-771/2009-Appeal A5588 dated 06.11.2009). Hence, the University was compelled to approach the Hon'ble High Court of Kerala in the best interest of the students and obtain a stay for the order of withdrawal of recognition (Order No. WP No. 33636/2009 dated 17.08.2010-Annexure 4). It may kindly be noted that beyond made may efforts to satisfy the NCTE norms from time to time so that this objection may be vacated. It may kindly be noted that, Calicut University appointed teaching faculty for the concerned subjects with prescribed qualification as per the norms and standards of NCTE existed at the time of their appointments (and follow UGC norms). In accordance with the regulations 2014, University turned in to one Unit (50 Students). Having only one basic unit, the Centre in maintaining a total of 7+1 full time faculty members across various disciplines (including the principal). In addition to this, the University has appointed one part time guest faculty each for Physical and Yoga education, Fine arts and Performing arts. (Annexure-8). Further, as per the regulation faculty can be utilized for teaching in a flexible manner so as to optimize academic expertise available. This Centre meets NCTE norms and standards regarding staff and hence this objection may be vacated. In this regard it may please be noted that the registrar, university of Calicut submitted an application on 11.09.2014 to SRC, for granting permanent recognition and remitted a fee of Rs. 50,000/- (rupees Fifty Thousand Only) as inspection fee, the institution and the university were expecting the visit from SRC for granting permanent recognition. NCTE promulgated the new regulation on 28.11.2021. Further as per the letter No. F. 51-4/2014/NCTE/N and S dated 24.12.2014 published in the NCTE website, it is clearly suggested to SRC that "this in in continuation of this office email dated 18.12.2014 wide which draft guidelines alongwith format of affidavit and letter to be sent to the institution whose applications



are pending or processing was send* (Please refer to Annexure 9). The University or B.Ed. Centre Malappuram had not received any letter from SRC directing to submit an affidavit for changing to a 2-year programme as per the new norms. In the light of above facts while considering this objection this may be vacated and permission may be granted to submit a new affidavit. Teachers are appointed on full time basis with scale of pay as per the order of Govt. of Kerala and University of Calicut, GO (Ms) No. 416/2015/H.EDN dated Thiruvananthapuram 09.07.2015 and U. O. No. 5612/2015/Admin dated 03.06.2015 respectively (Annexure 10) All the faculty members are having sufficient experience and are full time dedicated staffs. Please refer to the date of appointment of the faculty members in the approved staff list (Annexure 11) University of Calicut appointed well qualified teaching faculty in B.Ed. Centre Malappuram providing competent salary and other benefits as shown in the above statements. Hence the objection in this regard may be excused So, I pray to the Hon'ble Appeal Committee that this factual information may be considered for granting recognition the B.Ed. Centre Malappuram APSO2948."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.



5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that **"Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above."** Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance'** Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in



2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.



Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre Malappuram, Kootthilangadi 69/3, Padinhattumuri, Erinthalmanna, Malappuram, Kerala-676506
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-10/E-234772/2022 Appeal/3rd Meeting, 2022
APPLSRC202114236**

Calicut University Teacher Education Centre Nattika(Chalakudy), 485/1 Chalakudy Near Pvt. Bus Stand, Chalakudy, Thrissur Kerala- 680307 <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	Dr. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Calicut University Teacher Education Centre Nattika(Chalakudy), 485/1 Chalakudy Near Pvt. Bus Stand, Chalakudy, Thrissur Kerala-680307** dated 24/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APSO2950/B.Ed./(KL)/2021/128892 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms & Standards notified from time to time. Initially Teacher Education

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Centre was established in Government Schools and has not made efforts to construct own building. As per NCTE Regulations, an institution should possess own land and building exclusive for B.Ed. College. Till date these Teacher Education Centres have not constructed their own Building for B.Ed. course which is a clear violation of NCTE Act-and its Regulations. Major changes were made in NCTE Regulations 2014 where in One Year B.Ed. course was converted into Two Years B.Ed. course. All B.Ed. Colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with the Regulations 2014 and obtained Revised Provisional Recognition Order, whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with NCTE Regulations 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after Withdrawal of Recognition they always rely upon filing Court Cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting substandard Teacher Education to the students. Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality Teacher Education, whereas these Centres are running with minimal staff there by compromising the quality of B.Ed. program. Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-15. Hence, these Centres are not existing institutions and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. program illegally form the year 2014 as per the law of the Land. Faculty and facilities in these Teacher Education Centres are temporary in nature all along form the establishment of the B.Ed. course. Till date permanent Faculty as per NCTE norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014."



II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre Nattika(Chalakudy), 485/1 Chalakudy Near Pvt. Bus Stand, Chalakudy, Thrissur Kerala-680307 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal me it is submitted that "Calicut University Teacher Education Centre (CUTEC) Nattika started B.Ed. course on 2002 and from time to time followed the regulation of NCTE. (Annexure 1). The building was granted by the Panchayath exclusively for running B.Ed. course at fisheries school Nattika. (Annexure 2). All the staffs are qualified as per NCTE norms. At present CUTEC Nattika has been shifted to Chalakudy in order to construct new building and own land for lease on a long-term basis. Chalakudy Municipal Council vide letter no. 11.g2-128269/19 dated 14.11.2019 sanctioned 0.4148 ha land under survey no. 83 of Perambra Village, Chalakudy Taluka. (Annexure 3). The SRC, NCTE visited the Centre on 22.05.2004 and granted recognition vide order F. KL/SEC/UNI/N/07/SRO/ NCTE/2004-05/4857 dated 13.07.2004 with certain terms and conditions (Annexure 4). The SRC, after visiting the Centre on 17.12.2008 and serving a notice, withdrew the recognition on 26.06.2009 vide letter no. F.SRO/NCTE/B.Ed./2009-10/14169 (Annexure 5). The appeal committee further confirmed the withdrawal. The University approached the Hon'ble High Court of Kerala and obtained a favorable judgement (WP(c) No. 34404 of 2009(U) dated 17.08.2010). (Annexure 6) Thereafter, abiding the NCTE norms, the Centre was shifted to its own building and improved a lot in terms of overall facilities. Again on 11.09.2014, the Registrar of the University requested SRC, NCTE to visit the Centre for recognition. Without even visiting the Centre, the SRC served Show Cause Notice on 05.01.2015 and 18.03.2015 and withdrew recognition vide Letter F.SRO/NCTE/APSO2950/B.Ed./KL/2015/63789 dated 01.05.2015 (Annexure 7). The Hon'ble appellate body may kindly vacate this objection. Initially CUTEC, Nttika constructed a building using asset development fund of Sri. T.N. Prathapan M.L.A. of Kerala in government fisheries school Nattika. At present the Centre is functioning in a rented building providing all the facilities as per the NCTE norms and standards. The University has already taken measures to own the land at chalakudy and construct a new building there as per NCTE norms and standards for conducting bed course. The Honourable appellate body may kindly vacate this objection. In accordance with the NCTE Regulations 2014, the University restructured the B.Ed. programme into a two-year course and revised the syllabus incorporating Yoga Education, Physical Education, Art/Drama Education etc. The University has been conducting the B.Ed. Programme in this Centre as a two-year full-time course from the academic year 2015-16 onwards, ensuring the compliance with the NCTE regulation 2014. (Annexure 8; relevant pages of revised syllabus &

Prospectus). Though complied with the Regulation, the Centre failed to submit an affidavit to this effect. During this period, the Centre and University were engaged in protracted correspondence with NCTE regarding recognition of the Centre. The Registrar of the University submitted a request to visit the 11 CUTECS, including this Centre, remitting the required fee to which the NCTE SRC responded with a Show Cause Notice dated 05.01.2015 pointing out some shortcomings and finally withdrew the recognition vide Letter F.SRO/NCTE/APSO2950/B.Ed./KL/2015/63786 dated 01.05.2015 (Annexure 7). A reply was given by the Centre, but the SRC again chose to serve another notice on 18.03.2021. It is humbly pointed out that there was not a mention of non-submission of affidavit in the Show Cause Notice or withdrawal order. The Centre or the University did not receive any other communication to submit the affidavit either. However, the failure to submit the affidavit, though inadvertent, is deeply regretted. The Hon'ble Appellate body may kindly condone the omission and accept the affidavit signed by the Registrar now. (Annexure 9). The Centre has taken all possible measures to improve the facilities from time to time. Acting in agreement with the NCTE Regulations and norms, the University has started paperwork to acquire government land at chalakudy and building work to procedure on progress, exclusively for running the B.Ed. programme and steadily improved other facilities like lab library etc. Unfortunately, the SRC of NCTE withdrew recognition vide F.SRO/NCTE/APSO2950/B.Ed./KL/2015/63786 dated 01.05.2015 (Annexure 7) without considering the earnest efforts put in by the Centre to improve the facilities and rectify the deficiencies pointed out by SRC. Naturally, the Centre preferred an appeal against the withdrawal of recognition. The appeal committee, however, confirmed the withdrawal of recognition. Hence, the University was compelled to approach students and obtained a stay for the order of withdrawal of recognition. (WP(c) N. 26875 of 2016 (H) dated 12.08.2016-Annexure 10). It may kindly be noted that, beyond the official formality delay, the University has seriously made may efforts to satisfy the NCTE norms from time to time so that this objection may be vacated. It may kindly be noted that Calicut University appointed teaching faculty for the concerned subjects with the prescribed qualifications as per the Norms and Standards of NCTE existed at the time of their appointments (and follow UGC norms) in accordance with Regulations 2014, University turned in to one Unit (50 students). Having only one basic unit, the Centre is maintaining a total of 7+1 full-time faculty members across various disciplines (including the principal). In addition to this, the University has appointed one part-time guest faculty each for Physical and Yoga Education, Fine Arts and Performing Arts (Annexure 11). Further, as per the regulations, faculty can be utilized for teaching in a flexible manner so as to optimize academic expertise available. The Centre meets NCTE norms and standards regarding staff and hence this objection may be vacated. In this regard it may please be noted that the Registrar, University of



Calicut submitted an application on 11.09.2014 to SRC, for granting permanent recognition and remitted a fee of Rs. 50,000/- (rupees fifty thousand only) as inspection fees. The Centre and the University were expecting the visit from SRC for granting permanent recognition. NCTE promulgated the new regulation on 28.11.2014. Further, as per the letter No. F.51-4/2014/NCTE/N & S dated 24.12.2014 published in the NCTE website, it is clearly suggested to SRC that: "This is in continuation of this office email dated 18th December 2014 vide which draft guidelines along with format of affidavit and letter to be sent to the institutions whose applications are pending for processing was sent". Please refer to Annexure-12) The University or this Centre had not received any letter from SRC directing to submit an affidavit for changing to a two-year program as per the new norms. In the light of above facts while considering this objection this may be vacated and permission may be granted to submit a new affidavit. Teachers are appointed on full time basis with scale of pay as per the order of Govt. of Kerala and University of Calicut, GO (MS) No. 416/2015/H.EDN dated 09.07.2015 and U. O. No. 5612/2015/Admin dated 03.06.2015 respectively (Annexure 13). All the faculty members are qualified as per NCTE Norms. Principal is fully qualified with PhD degree. Approved staff list attached (Annexure 11) University of Calicut appointed well qualified teaching faculty in Teacher Education Centre Nattika (Chalakkudy) providing competent salary and other benefits as shown in the above statements. In order to satisfy the Norms and Standards of NCTE, CUTEC Nattika requested Chalakkudy Municipality for land and as per letter no. 11.g2-128269/19 dated 14.11.2019, (annexure 3) Chalakkudy Municipality sanctioned Land at Chalakkudy Municipal area and as per U.O No. 1957/2020/Admin dated 14.02.2020, University of Calicut approved the proposal. (Annexure 14) The College was shifted from Nattika to Chalakkudy as per U.O No 4191/2020 Admin dated 04.05.2020 (Annexure 15) and U O No. 8923/2020/Admin dated 05.10.2020 (Annexure 16), to make the paperwork and construction of new building at the proposed land in a speedy and time bound manner. At present the college is functioning in a rented building keeping all the norms and regulations of NCTE. The facilities are all qualified as per NCTE norms. University of Calicut vide U O No 2023/2015/Admin dated 27.02.2015 (Annexure 13) sanctioned to appoint the teaching staff at University Teacher Education Centre on full time basis. The present status is that Trissur District Collector has issued a proposal to the Land Revenue Commissioner, Thiruvananthapuram for providing the proposed land on the basis of Lease Agreement (File. No. LR/7431/2021-LR(j7). (Annexure 17) to make it speedy we have visited the revenue minister and other authorities. The proposed Land measures 0.4148 ha coming under survey no. 83 of Perambra village, Chalakkudy Taluk. (Annexure 18) As soon as Lease agreement is signed, University had ensured to construct the building for B.Ed. NCTE. Hence the objection in



this regard may be excuses. So, I pray to the Hon'ble appeal committee that this factual information may be considered for making a favorable decision in this matter."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.

5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that **"Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above."** Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and**



if the land and building are available, the title and nature of holding has no relevance' Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.

8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Calicut University Teacher Education Centre Nattika(Chalakydy), 485/1 Chalakydy Near Pvt. Bus Stand, Chalakydy, Thrissur Kerala-680307
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-11/E-234773/2022 Appeal/3rd Meeting, 2022
APPLSRC202114232**

Calicut University Teacher Education Centre Koduvayur, 338/13, 51/3 Koduvayur, Palakkad Road Chittur, Palakkad Kerala-678501 APPELLANT	<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	Dr. P. Kelu (Special Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Calicut University Teacher Education Centre Koduvayur, 338/13, 51/3 Koduvayur, Palakkad Road Chittur, Palakkad Kerala-678501 dated 23/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS02944/B.Ed./{KI}/2021/128895 dated 27.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Teacher Education Centre all along from the inception has not made serious efforts to comply with NCTE Regulations, Norms & Standards notified from time to time. b.) Initially Teacher Education Centre was established in Government Schools and has not made efforts to construct own building.

As per NCTE Regulations, an institution should possess own land and building exclusive for B.Ed. College. Till date these Teacher Education Centres have not constructed their own Building for B.Ed. course which is a clear violation of NCTE Act-and its Regulations. C.) Major changes were made in NCTE Regulations 2014 where in One Year B.Ed. course was converted into Two Years B.Ed. course. All B.Ed. Colleges in the entire country has submitted Affidavit to NCTE ensuring to comply with the Regulations 2014 and obtained Revised Provisional Recognition Order, whereas Calicut University Teacher Education Centres have not cared to submit the Affidavit to comply with NCTE Regulations 2014 till date. Thus, this Teacher Education Centres are not in compliance with NCTE Regulations 2014 which is violation of NCTE Act and its Regulations. d.) Whenever SRC NCTE has pointed out deficiencies suggesting improving the facilities, these University Centres have not made serious efforts and after Withdrawal of Recognition they always rely upon filing Court Cases and never tried to improve facilities. Thus, these Teacher Education Centres all along imparting substandard Teacher Education to the students. e.) Staff requirements as stipulated in Norms & Standards are not maintained. Staff is an important and integral part of quality Teacher Education, whereas these Centres are running with minimal staff there by compromising the quality of B.Ed. program. f.) Since these Teacher Education Centres have neither submitted Affidavit nor obtained Revised Provisional Recognition Order from SRC NCTE in the year 2014-15. Hence, these Centres are not existing institutions and they deemed to have lost their existence from the year 2014 itself for not complying to Revised Regulations 2014. These Teacher Education Centres are offering B.Ed. program illegally form the year 2014 as per the law of the Land. g.) Faculty and facilities in these Teacher Education Centres are temporary in nature all along form the establishment of the B.Ed. course. Till date permanent Faculty as per NCTE norms are not appointed by these Centres. The Committee thoroughly debated on the existence of teacher education centres in Kerala offering B.Ed. course without obtaining proper recognition from NCTE since last couple of years. No Revised Provisional Recognition Order (RPRO) was issued to these institutions for running the B.Ed. course of two years duration as per NCTE Regulations, 2014. Under these circumstances the institution are not eligible to continue from the date of promulgation of NCTE Regulations, 2014 i.e. 28.11.2014. Hence the recognition shall stands cancelled/withdrawn with effect from the date of promulgation of the NCTE Regulations, 2014 i.e. 28.11.2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. P. Kelu (Special Officer), Calicut University Teacher Education Centre Koduvayur, 338/13, 51/3 Koduvayur, Palakkad Road Chittur, Palakkad Kerala-678501 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "Calicut University Teacher Education Centre. KODUVAYUR, university of Calicut has not tried to challenge the regulations, norms and standards notified by NCTE from time to time. university of Calicut conducted the course of KODUVAYUR Centre by adhering to the norms and standards of NCTE at time to time. university had made serious efforts to satisfy the norms and standards of NCTE KODIVAYUR Centre. B.Ed. CENTRE in KODUVAYUR has started functioning in the year 1993 on the basis of the govt. order no m4-111019/1992 dated 22.10.1992 at govt. higher secondary school KODUVAYUR. subsequently in July 2012 the Centre was moved to well-furnished building constructed by the university in the land given by KODUVAYUR Gram Panchayat of lease with lease agreement between the secretary of KODUVAYUR Gram Panchayat and the registrar of Calicut university as per G.O (MS) no. 3980/2008/LSGD dated 12.11.2008 duly signed by deputy secretary for governor for a period of 99 years. as per NCTE order no. f. KL/SEC/UNI/N/01/SRO/NCTE/-05/4854 dated 13.12.2004 NCTE has granted recognition to CUTEK KODUVAYUR with an in take of 100 students. annexure 1 as per the letter no: F.SRO/NCTE/2008-2009/3867 dated 18.08.2008 NCTE visited the CUTEK KODUVAYUR on 18.12.2008 annexure 2 as per no: F.SRO/NCTE/B.ED./2009-10/14172 dated 26.06.2009 of the NCTE. the NCTE has withdrawn the recognition. annexure 3 then the university compelled to approach hon'ble high court of Kerala. hon'ble high court made a favorable judgement in this regard (W.P. no. 34403 of 2009 dated 17.08.2010), (annexure 4). again in 06.05.2014 registrar, university of Calicut sent a request to SRC NCTE to grant recognition to the Centre university applied for the permanent recognition to the KODUVAYUR Centre with filled up questionnaire and fees (r. 50,000/-) on 11.09.2014 and expected the visit, whereas SRC issued show cause notices on 04.02.2015 (annexure-5) and the institution has submitted a written representation on 27.02.2015 and expected favorable response from the SRC. without giving any specific comments, by citing the old statements for which clarifications were giving without visiting the Centre SRC withdrew the recognition on 27.10.2021 F.SRO/NCTE/apso2947/B.Ed./kl/2021/128836 dated 27.10.2021. at present Calicut university teacher education Centre -KODUVAYUR is functioning in its own building form 2012 July onward. the land for the Calicut university for submitting the affidavit were over. university shifted the entire B.Ed. curriculum to tow-year with effect from 2015 academic year. university Centre



KODUVAYUR also tuned to 2014 regulation and reduced the strength to one block (50 students), staff pattern, etc. please see the U.O. for the two-year curriculum (annexure-11) so i pray to the honorable appellate body to receive the affidavit duly filled up and signed by the registrar and pardon for the delay and mistake done by university (annexure-12). d) in this regard our prayers are, for the recognition of the KODUVAYAR Centre university of Calicut approached hon'ble high court in 2009 only. the recognition of NCTE for this institution was withdrawn by the NCTE as per order no: SRO/NCTE/apso2944-b.ed./kl/2015/ 63478 dated 23.04.2015 citing this center does not have adequate build up area, the panchayath lease cannot be treated as government lease and no staff on regular basis. against which we had filed an appeal before the NCTE new Delhi in May 2015. subsequent to this the NCTE as per order f. no. 89-61/2015 appeal 6th meeting 2015 dated 03.07.2015 has directed NCTE Bangalore Centre to consider the issue on the basis of the assurance the appeal ant in correlating the deficiency noted by the NCTE and to keep the withdrawal order in abeyance. no visit yet to be had done. our Centre has been giving standard education to student teachers by appointing qualified full-time teachers as per the NCTE norms implemented from time to time. students of Kerala select our Centre as primary choices in the admission procedures. all the teachers are well qualified, and the standard of teaching is at par with any teacher education institution in India. it may kindly be noted that university have been seriously made many efforts to satisfy the NCTE norms from time to time. the university resort to court appeal only when the student and the teacher community became panic due to the withdrawal recognition to the teacher education Centre, university was not left with any option than approaching the court of law to address the concerns of public at large e) in this regard it may kindly be noted that, university has been appointing full-time staff in the B.Ed. Centre as per the norms of NCTE from time to time (2007, 2009, 2014, 2017 norms). faculty members have been selected by the UGC and NCTE norms. so, the qualified and competent faculty members have been appointed by the university in our Centre. while the 2009 norms were prevailing, we had 7+1 mandatory full-time staff and one physical education part time teacher. when the university shifted to 2014 regulations, we had 7+1 full-time faculty and 3 part time faculty members for teaching physical education, performing arts and fine arts. university Centre KODUVAYUR provides standard education to the students ever since its establishment. we have even students from tribal areas and the only B.Ed. college under Calicut university running with Tamil optional subject. So that there is huge rush from the parts of the students in getting admission in our University Centre. Hence by accepting the above clarification this objection may be vacated. f) In this regard it may please be noted that, Though the Registrar, University of Calicut submitted application to visit the Centre to grant recognition. Centre and university expecting the visit from



that date onwards. NCTE issued new regulation on 28.11.2014. SRC did not send any letter to university or to the KODUVAYAR Centre asking the willingness to accept the 2014 norms. Please see that F. No. 89-61/2015 appeal 6th meeting 2015 dated 03.07.2015 the functioning of the college is based on the above-mentioned appeal order. But Teacher Education Centre KODUVAYUR was given by KODUVAYUR Gram Panchayat on lease agreement for 99 years between the Secretary of KODUVAYUR Gram Panchayat and the Registrar of Calicut University on 16.03.2009 as per G.O. (MS) No: 3980/2008/LSGD dated 12.01.2008 duly signed by Deputy Secretary of Governor. Our Total build up areas in 1026 square meters. CUTEC KODUVAYUR also have its own land of 1.25 acre at KODUVAYUR Gram Panchayat (survey no: 338/13). Land Documents and Lease agreements are attached here with. (Annexure 6 and 7) Now we are running the course on the basis of the appeal order F. No. 89-61/2015 appeal 6th meeting 2015.

b) In this regard it may kindly be noted that Calicut University Teacher Education Centre has its own land and building. Land is legally transferred to the University in the name of Registrar. At present Calicut University Teacher Education Centre, KODUVAYUR is functioning in its own building from 2012 July onwards. In 2015 the total built up area was 793 square meters constructed on the first floor by using MLA fund of Sri, K. BABU of NEMMARA Constituency. So, the total builds up area of this Centre at present is 1026 square meter. (Ground floor area 793 square meters and first floor 233 square meter) and the remaining built-up area (474 square meter) is shared by SHISHU KSHEMA SAMITHI, a Govt. institution, under ICDS. Now the University given the plan and estimate for approval for the construction of remaining stories of the three storied building for CUTEC KODUVAYUR by using university plan fund. Building plan and Building Completion Certificate are submitting for kind perusal. Annexure 8 Now the KODUVAYUR Centre (APSO2944) c) University has been seriously trying to achieve the permanent recognition from the NCTE SRC, for this sake, on 06.05.2014 Registrar, University of Calicut had sent request to NCTE to grant recognition to 11 CUTECs (including APSO2944). NCTE issued a notice on 23.04.2015. SRO/NCTE/APSO2944/B.Ed./ KL/2015/63478 dated 23.04.2015) to submit relevant documents and fees for inspection. Accordingly, the Registrar of University Calicut submitted application to SRC, Bangalore to give permanent recognition to KODUVAYUR Centre by remitting an amount of Rs. 50,000/- as visiting fees (Annexure 9) University of Calicut and the KODUVAYUR Centre was expecting a visit from SRC to grant recognition. During this time NCTE introduced its new regulation in 28.11.2014 by "The Gazette of India: Extraordinary". The SRC, NCTE did not sent any communication to this Centre, KODUVAYUR (APSO2944) or the Registrar University of Calicut on behalf of this Centre intimating to submit the affidavit in prescribed format. During these periods the recognition of this

Centre was under the judgement of Hon'ble High Court O Kerala left freedom to NCTE, SRC to withdraw its recognition. Then the University compelled to approach Hon'ble High Court of Kerala. Hon'ble High Court made a favorable judgement in this regard (W.P. No 34403 of 2009 of NCTE for this institution was withdrawn by the NCTE as per order No. SRO/NCTE/APSO2944-B.Ed./KL/2015/ 63478 dated 23.04.2015. Naturally the Centre preferred an appeal against the withdrawal of recognition and now we are running the course on the basis of the appeal order F. No. 89-61/2015 appeal 6th meeting 2015. (Annexure 10) But during these periods the date the NCTE appellate body ordered to kept in abeyance of the withdrawal order. The case was remanded back to SRC, NCTE for necessary action However, our institution tuned to 2014 regulation by accepting one block (50 students against approved 100 intake) and staff pattern, etc. g) In this regard it may please noted that university appoint teaching facilities on full-time basis according to NCTE norms and UGC regulation. Our Centre APSO2944 has the teaching faculty with more than 20 years teaching experiences. Please refer the date of appointment of the faculty members in the approved staff list. (Annexure 13) Salary and terms of appointment teaching staff are in accordance with university norms and Kerala Government approved a scale of pay to the staff on 09.07.2015 (G.O. (MS) No 416/2015/H.EDN. dated 09.07.2015."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that recognition for conducting B.Ed. programme was granted to Calicut University in the year 2004. Simultaneously B.Ed. programme was allowed to be conducted in different Centres under the jurisdiction of Calicut University and the present appeal is filed separately for one of such centres located at Kallai, Kozhikode Alike cases are also to be decided separately.

2. Appeal Committee noted that designated centres under Calicut university started conducting B.Ed. programme way back from 1982 and after promulgation of the NCTE Act and regulations framed thereunder got recognition in 2004. The recognition granted by NCTE in 2004 was subject to fulfilment of certain conditions inter alia prescribing a condition to shift to its own premises within three years from the date of recognition (In case the course started in a temporary premises).

3. From the documents made available to Appeal Committee it transpires that recognition granted to the appellant centre was withdrawn in the year 2009-10 after issuing notice to the University.

4. Appeal Committee noted that separate appeals were filed by the University and designated centres against the orders of Southern Regional Committee (SRC) which were turned down by Appellate Authority at NCTE (HQs) and the withdrawal order passed by SRC was confirmed.

5. Appeal Committee further noted that appellant University and centres conducting B.Ed. programme filed a WP No. 34110 of 2009 in the High Court of Kerala at Ernakulam and the Hon'ble High Court by its judgement dated 17.08.2010 delivered in WP.C Nos. 33636, 35215, 33976, 34403, 34404, 34218, 34110, 33725, 34402, 34216, 34217, 35167, 32447, 34625, 34760, 34761, 35098, 35103, 35126, 35188 observed that **"Even though the grounds for recalling recognition granted to all the Universities Centres are not exactly same, objections stated are essentially want of infrastructure facilities of kind stated above."** Quoting subsection 3 of Section 13 relating to inspection and its results, Hon'ble High Court ruled that deficiencies pertaining to infrastructure and other facilities shall be pointed out to the institution and reasonable time shall be granted to make-up for the same. Hon'ble High Court further ruled that **'It is immaterial as to how the University got the land for construction of University Centres and if the land and building are available, the title and nature of holding has no relevance'** Finally the Hon'ble High Court directed NCTE to treat the University Centres as approved Centres for the year 2010-2011 giving freedom to NCTE to recall approval, if any centre does not make-up facilities pointed out by NCTE in terms of revised order to be issued in terms of direction issued above for next academic year (2011-12) onwards.

6. Appeal Committee noted that after the order dated 17.08.2010 passed by Hon'ble High court of Kerala, SRC considered the case in its 269th Meeting and decided on the request dated 06.05.2014 made by Registrar of Calicut University. SRC decided not to relax any regulatory provision as already ruled by the Kerala High Court.

7. Appeal Committee noted that appellant University was asked to pay Rs.50,000/- per centre for causing inspection and the University complied to the requirement in September, 2014. Thereafter SRC in its 274th Meeting held on 30.21st October, 2014 decided to issue Show Cause Notice, seeking reply within 21 days, on certain points such as i) Certified copy of land documents, ii) approved Building Plan, iii) CLU, iv) Non-Encumbrance Certificate, v) appointment of faculty on regular basis. Appeal Committee noted that at the time of issue of Show Cause Notice (SCN), NCTE Regulation, 2009 were in vogue and deficiencies were to be rectified as per extant regulations, of 2009.



8. Appeal Committee noted that Regulations were revised in 2014 and NCTE Regulation 2014 were notified in November 2014, the norms and standards for B.Ed. programme underwent a major change by which the B.Ed. programme which was earlier a one year programme was made a two year course. The intake in the course was to be in the multiple of 50 seats per Unit. Earlier the unit size was 100 seats (1 basic Unit) in 2009 Regulations. For an intake of 100 seats (2 basic unit) in 2014, Regulations there should be 16 full time faculty members as mentioned in para 5 (1) of Appendix-4 of NCTE Regulation, 2014. Institutions conducting B.Ed. programme were required to possess 2500 Sq. Meters of well demarcated land and for initial intake of 50 seats the built-up area was prescribed as 1500 Sq. Meters.

9. As the basic intake in B.Ed. programme was reduced from 100 seats to 50 seats, all institution conducting B.Ed. programme were given an option by furnishing an affidavit to opt for 50 seats or 100 seats. All Institutions conducting B.Ed. programme, based on their willingness by submission of an affidavit, were issued a revised recognition order in 2015. Conducting B.Ed. programme, without furnishing affidavit of adherence to NCTE Regulation, 2014, was unwarranted and not permissible.

10. Appeal Committee noted that onus lied on the appellant University and its designated centres conducting B.Ed. programme to have followed the procedure and guidelines for switch over to the two years B.Ed. programme by obtaining a revised recognition order as was being done in case of other institutions. From the submissions made by appellant it is clear that appellant institution was aware of the NCTE Regulation of 2014 which were implemented in November 2014 and there was an official notice on the NCTE website regarding guidelines to be followed and format of affidavit and letter required to be sent for issue of revised recognition order under NCTE Regulation, 2014.

11. Appeal Committee noted that after promulgation of NCTE Regulation 2014, B.Ed. programme which was earlier a one year programme was converted into a 2 year course from the academic session 2015-16 and revised recognition orders under the 2014 Regulation were issued somewhere in My-June, 2015. As such implementation of 2 year programme commenced from 2015-16. The Appeal Committee further noted that despite giving ample opportunities, the appellant University has failed to fulfil the requirement of infrastructural and institutional facilities to be created in their centres for conducting B.Ed. course as per Regulations, 2014.

12. Appeal Committee noted that there has been some undue and inordinate delay in taking a final decision. SRC in its 402 Meeting held on 13-14 September, 2021 decided to withdraw



recognition from 28.11.2014. In case the appellant University and its designated centres conducting B.Ed. programme failed to submit required affidavit undertaking compliance of NCTE Regulation, 2014 notified in November, 2014 the recognition earlier granted should have been treated as ceased from the academic year 2015-16.

Hence, withdrawing recognition by SRC is justified. Appellant University and the designated centres are to discontinue further admissions and impugned withdrawal order is confirmed under proviso 2 of Section 17 of NCTE Act, 1993.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed quoting proviso 2 of Section-17 of the NCTE Act, 1993.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Calicut University Teacher Education Centre Koduvayur, 338/13, 51/3 Koduvayur, Palakkad Road Chittur, Palakkad Kerala-678501**
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 Kerala.**



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-12/E-235076/2022 Appeal/3rd Meeting, 2022
APPLSRC0202114213**

B E S College of Education, JAYANAGARA 4th Block, 27 JAYANAGARA 16th Main, Bengaluru South, Bangalore Karnataka-560011 APPELLANT	<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	Dr. M.R. Lakshminarayana (Principal)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **B E S College of Education, JAYANAGARA 4th Block, 27 JAYANAGARA 16th Main, Bengaluru South, Bangalore Karnataka-560011** dated 06/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. **F.SRO/NCTE/APSO3408/B.Ed./{KA}/2021/129834** dated 07.01.2022. of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has not submitted Land Use Certificate. The institution has submitted a Notarized copy of Building Plan in which multi-purpose hall area is not mentioned. The institution has submitted a Notarized copy of BCC which is not approved by the competent authority. The institution has not submitted a Staff list duly approved by the Registrar of

the affiliating body as per the prescribed Format. The institution has not submitted a "Form A" issued by the respective Bank Manager along with re-validated FDRs."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. M.R. Lakshminarayana (Principal), B E S College of Education, JAYANAGARA 4th Block, 27 JAYANAGARA 16th Main, Bengaluru South, Bangalore Karnataka-560011 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal Memoranda it is submitted that "Land Use Certificate submitted. Building Plan is submitted with multi-purpose hall area is mentioned. The institution has submitted a Notarized copy of BCC approved by the competent authority. Approved Staff List Submitted by the Registrar of the affiliating body. Form A & FDRs 5+7 submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that meeting of SRC to decide the case of appellant institution was held on 16th & 17th November, 2021 wherein it was observed that appellant institution has deficiencies such as i) Non submission of Change of Land Use Certificate (CLU), ii) Building Plan without demarcated Multipurpose Hall, iii) Building Completion Certificate (BCC), iv) Approved faculty list and v) Form 'A'.

2. From the documents submitted by appellant institution with its appeal memoranda, Appeal Committee observed that Land Use Certificate submitted by the appellant institution is dated 07.12.2021. Therefore, SRC in its 404th Meeting held on 16th - 17th November, 2021 in no way could have considered this document.

3. Appeal Committee, therefore, decided that the decision to withdraw recognition taken in 404th meeting of SRC culminating into issue of withdrawal order dated 07.01.2022 deserves to be confirmed.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the withdrawal order dated 07.01.2022

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

Deputy Secretary (Appeal)

Copy to :-

1. The Principal, B E S College of Education, JAYANAGARA 4th Block, 27 JAYANAGARA 16th Main, Bengaluru South, Bangalore Karnataka-560011
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Southern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Karnataka.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-13/E-235284/2022 Appeal/3rd Meeting, 2022
APPLSRC0202114214**

St. Stephens College of Education for Women, Hosanna Mount Kadavur, 52/2A, 52/2B1 Chatrapati, New Natham Road, Chatrapati, Madurai Tamilnadu-625014 <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	Dr. W.S. Milton Jaganathan (Director)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

INTERIM ORDER :- SEEKING CLARIFICATION

I. GROUND OF WITHDRAWAL

The appeal of **St. Stephens College of Education for Women, Hosanna Mount Kadavur, 52/2A, 52/2B1 Chhatrapati, New Natham Road, Chhatrapati, Madurai Tamilnadu-625014** dated 06.12.2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. APSO3698 dated 16.11.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Land document not submitted. 2. LUC not submitted. 3. FDRs not submitted. 4. Form 'A' not submitted. 5. Affidavit not submitted."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. W.S. Milton Jaganathan (Director), St. Stephens College of Education for Women, Hosanna Mount Kadavur, 52/2A, 52/2B1 Chatrapati, New Natham Road, Chhatrapati, Madurai Tamilnadu-625014 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "Land document submitted. 2. Land Use Certificate submitted. 3. Building plan submitted. 4. Form 'A' submitted. 5. Affidavit submitted."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that online appeal dated 06.12.2021 is against an order of Southern Regional Committee (SRC) dated 16.11.2021. However, copy of impugned withdrawal order has not been furnished by the appellant.

2. Appellant during the course of appeal hearing on 23.03.2022 submitted that certified copies of required documents were submitted to SRC by the appellant institution well before consideration of the case by SRC vide its letter dated 08.04.2021 by Regd/Speed Post. The appellant has enclosed a postal receipt No. ET843201015IN IVR:6984843201015 as a proof of sending the above documents to Regional Director, SRC on 10.04.2021.

Appeal Committee considering the above documentary evidences submitted by the appellant in the appeal interinely decided to get the above claim/submissions verified from SRC as to whether the reply to aforementioned SCN alongwith required documents were actually received or not. A copy of letter dated 08.04.2021 need to be forwarded to SRC alongwith the postal receipt for the said purpose. The SRC may also get it verified from the Postal Authority the delivery of the documents sent through said Postal Receipt Number.

In these circumstances, the appeal committee decided to defer the matter for the next appeal committee meeting and reserves its final decision on the instant appeal till the reply/clarification is received from SRC.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to defer the matter for the next appeal committee meeting and reserves its final decision on the instant appeal till the reply/clarification is received from SRC as indicated above.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, St. Stephens College of Education for Women, Hosanna Mount Kadavur, 52/2A, 52/2B1 Chatrapati, New Natham Road, Chatrapati, Madurai Tamilnadu-625014
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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-15/E-235489/2022 Appeal/3rd Meeting, 2022
APPLSRC202114216**

Sri Srinivasa College of Education, H. No. 10/7486, Sitaramnagar, Koilkuntla, Dist. Kurnool, 167,170 Koilkuntla Sitaramnagar, Kurnool, Andhra Pradesh-518134 <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. N. Hussain (Vice Principal)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Sri Srinivasa College of Education, H. No. 10/7486, Sitaramnagar, Koilkuntla, Dist. Kurnool, 167,170 Koilkuntla Sitaramnagar, Kurnool, Andhra Pradesh-518134** dated 10/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NO. F.SRO/NCTE/APSO7395/{AP}/B.Ed./2021/124410 dated 08.03.2021. of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The Committee noted that due to non-compliance of SCN dated 01.03.2017 for submission of requisite documents to verify infrastructure & instructional facilities a Final Show Cause Notice dated

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08.01.2021 was issued to the institution. However, the institution failed to submit requisite documents as per Final Show Cause Notice dated 08.01.2021.*

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. N. Hussain (Vice Principal), Sri Srinivasa College of Education, H. No. 10/7486, Sitaramnagar, Koilkuntla, Dist. Kurnool, 167,170 Koilkuntla Sitaramnagar, Kurnool, Andhra Pradesh-518134 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal Memoranda it is submitted that "SRC vide its order dated 08.03.2021 has withdrawn recognition for conducting B.Ed. course, observing the deficiencies which were already clarified / ratified by our institution. That in order to appreciate various contentions and averments being raised hereinafter, it is necessary to state the following few relevant facts in brief. SRC NCTE vide its order dated 10.05.2007 granted recognition to the appellant institution for running the B.Ed. course in the appellant institution with annual intake of 100 students from the academic session 2006-07. Further, revised recognition order dated 19.05.2015 with intake of 100 students, was issued to the appellant institution for conduction the B.Ed. course. Thereafter, since the number of admissions in the appellant institution were very loss (as much as 25 students approx. per session), the appellant institution requested the SRC for change of management and reduction of intake of B.Ed. course from 2 units to 1 unit i.e., from 100 students of 50 student. Thereafter, SRC considered the matter of appellant institution in its 297th meeting and issued letter dated 03.02.2016 directing the appellant institution to obtain NOC from the affiliating university and submit the same before SRC for approval of change of management. Accordingly, the institution started the process for change of management and make the application to the necessary authorities for the same. Thereafter, the appellant institution vides its letter dated 17.12.2016 reiterated its request for reduction of intake of B.Ed. course from 2 units to 1-unit i.e., from 100 students to 50 students. A copy of letter dated 30.10.2015 of appellant institution is enclosed as Enclosure 3. SRC considered the matter of appellant institution in its 329th meeting and issued a letter dated 01.03.2017 rejecting request for change of management and accepting request of reduction in intake capacity subject to submission of latest faculty list approved by the affiliating university. Thereafter, SRC considered the matter of appellant institution and issued the first Show Cause Notice dated 13.11.2019 directing the appellant institution to submit compliance of the revised recognized order. Thereafter, appellant institution vide representation 21.12.2019 submitted the approved staff list to the SRC and requested to issue fresh recognition order only for one unit of B.Ed. course. Thereafter, SRC in its 393rd meeting considered the matter of appellant institution and issued the Final Show Cause Notice dated 08.01.2021 directing the



appellant institution to comply with SRC Show Cause Notice dated 13.11.2019. Thereafter, the appellant institution vide its letter dated 01.02.2021 submitted its reply to the final Show Cause Notice dated 08.01.2021 of the SRC and vide the letter dated 01.02.2021 also submitted a copy of the approved faculty list and its representation dated 21.12.2019. Thereafter, SRC in its 395th meeting again taken up the matter of appellant institution and decided to withdraw recognition of appellant institution observing that the petitioner institution has not complied with the Show Cause Notice dated 08.01.2021. It is submitted that the withdrawal order issued by the SRC is totally devoid of merit and is not as per statutory provisions mandated under NCTE Act, 1993 and also without following the due procedure. That it seems that SRC issued the withdrawal order on the basis of Show Cause Notice dated 13.11.2019 and 08.01.2021 without considering the fact that appellant institution had already made a request for reduction of intake of B.Ed. course and therefore, the reply of the appellant institution was satisfactory. That before issuing the withdrawal order, the SRC failed to observe that the appellant institution has submitted the documents as were sought by the SRC vide its Show Cause Notices and the same were in consonance with the request of the appellant institution for reduction of intake. That while issuing the withdrawal order, the SRC failed to observe that the request of the appellant institution was accepted by the SRC itself and the appellant institution is having the requisite infrastructure and faculty for running B.Ed. course with reduced intake which is as per the norms of NCTE. That it is submitted that as per the said SOP, the SRC ought to have issued the 2nd Show Cause Notice in light of the Show Cause notice and reply submitted by the appellant thereto, however, the SRC ought to have provided an opportunity before taking drastic decision of withdrawal, as the same will cause irreparable academic harm and injury to the appellant institution. That it is submitted that in order to pacify the appeal committee, the appellant institution is also enclosing with its appeal, the documents which were its appeal, the documents which were asked by the SRC and submitted by the appellant institution. A copy of documents i.e., land documents, land use certificate, NEC, approved building plan, site plan, Building Completion Certificate, approved staff list and FDRs, are enclosed as Enclosure 10 (Colly). It is submitted that the appellant institution is running since the year 2005 and does not lack any infrastructural and instructional facilities required as per the NCTE norms and the NRC itself have issue the recognition / revised recognition order to the appellant institution for B.Ed. course. It is submitted that thus, the withdrawal order dated 08.03.2021 of SRC is not maintainable and the appeal committee is requested to revert the decision taken by SRC with further direction to SRC to restore the recognition of appellant institution thereby granting an opportunity to the appellant institution to submit documents desired by the SRC. The appellant institution is reaching before the appellant institution is reaching before



the appellate committee at this belated stage due to the circumstances prevailed out of Covid pandemic because of which, the appellant institution was not functioning properly and regularly, and the administrative staff / management of the institution was not in a position of working effectively. That now the normal functioning of the appellant institution has immediately taken steps for filing the instant appeal before the appeal committee. Accordingly, the appellant institution is requesting to condone the delay in filing the instant appeal on the basis of aforesaid. The appellant institution in this regard is supported by the order dated 23.09.2021 of the Hon'ble Supreme Court which says that in cases where the limitation would have expired during the period between 15.03.2020 till 02.10.2021, notwithstanding the actual balance period of limitation period of 90 days from 03.10.2021. A copy of order dated 23.09.2021 passed by the Hon'ble Supreme Court is enclosed as Enclosure."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the Hon'ble Supreme Court of India in Civil Original Jurisdiction Miscellaneous Application No. 665 of 2021 in SMW(C) No. 3 of 2020 vide Order dated 23.09.2021 directed as under:

In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021. In cases where the limitation would have expired during the period between 15.03.2020 till 02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply. The period from 15.03.2020 till 02.10.2021 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings. The Government of India shall amend the guidelines for containment zones, to state, "Regulated movement will be allowed for medical emergencies, provision of essential goods and services, and other necessary functions, such as, time bound applications, including for legal purposes, and educational and job-related requirements."



2. On the directions of Hon'ble Supreme Court of India, Appeal Committee decided to admit the appeal which is otherwise a delayed one. Appeal Committee noted that faculty list submitted by appellant institution was countersigned by affiliating body on 14.06.2020 and FDRs were also renewed in June, 2020. The impugned order of withdrawal dated 08.03.2021 was on ground of non-submission of reply of Final Show Cause Notice (FSCN) dated 08.01.2021. Appeal Committee noted that the averments made by appellant that it already having made a request for reduction in intake of B.Ed. course, the reply sent in response to earlier Show Cause Notice dated 13.11.2019 was satisfactory.

3. Appeal Committee noted that impugned order of withdrawal dated 08.03.2021 does not mention consideration of any request made by appellant institution with regard to reduction of intake from 100 seats to 50 seats. The intake sanctioned to appellant remains 100 till an official communication is issued by SRC. Appellant institution was therefore required to comply with the quantitative requirement of academic faculty and infrastructural facilities for 100 seats.

4. Appeal Committee noted that appellant institution has failed to submit faculty list corresponding to the allotted intake approved by affiliating body. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal dated 08.03.2021.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 08.03.2021 issued by SRC.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Sri Srinivasa College of Education, H. No. 10/7486, Sitaramnagar, Koilkuntla, Dist. Kurnool, 167,170 Koilkuntla Sitaramnagar, Kurnool, Andhra Pradesh-518134
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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
F. No. 89-16/E-235495/2022 Appeal/3rd Meeting, 2022
APPLSRC202214245**

Indira Gandhi Training College, 83/3, Nellikuzhi, Kothamangalam, Ernakulam, Kerala-686691 <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
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Indira Gandhi Training College, 83/3, Nellikuzhi, Kothamangalam, Ernakulam, Kerala-686691 dated 04.01.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. 404th meeting held on 16th & 17th November 2021 Minutes Based APSO0576 dated 16.11.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution has submitted BCC but not in prescribed format and not approved by competent authority. 2. The building plan is not approved by competent authority. Moreover, no detail is available about separate toilet facility for male and female and PWD. 3. The document at the time of recognition submitted Notarized Sale Deed, Indira Gandhi Memorial Trust, Survey No. 83/3, 83/4A, 84/5, 83/5-C, 83/4-B, 84/6, 84/7 situated at ERAMALLOR Village and at present land documents submitted as Notarized Sale Deed, Indira Gandhi Memorial Trust, Survey No.

3539/9B/4, 353/7/1A, 359/8, 359/9A, 359/9B/2/11, 358/1A/17, 359/9B/3/12, 359/10, 358/1A/17, situated at ERAMALLOR village are different. Change of land and premise without prior permission of NCTE is not permissible under NCTE Regulation."

II. SUBMISSIONS MADE BY APPELLANT:-

The representative, **Indira Gandhi Training College, 83/3, Nellikuzhi, Kothamangalam, Ernakulam, Kerala-686691** appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "Revised BCC submitted in prescribed format and approved by the competent authority. 2. Revised Building Plan submitted which is approved by the competent authority. The plan consists separate toilet facility for male and female and PWD duly mentioned. 3. Now resubmitted the Notarized Sale Deed, Indira Gandhi Memorial Trust Survey No. 83/3, 83/4A, 84/5, 83/5-C, 83/4-B, 84/6, 84/7 situated at ERAMALLOOR village. Later the Trust purchased additional land in survey no. 359/9B/4, 53/7/1A, 359/8, 359/9A, 359/9B/2/11, 358/1A/17, 359/9B/3/12, 359/10, situated at ERMALLOOR village for the development works.

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition in 2004-05 on the basis of Land Documents submitted with application. As per Land document, the Land was situated at Survey Numbers. i.e. 83/3, 83/4A, 83/5, 83/5-C, 83/4-B, 84/6, 84/7 Eramuller.

Appeal Committee further noted that the appellant institution has now submitted following documents with Memoranda of Appeal.

- i) Notarised copy of updated Building Completion Certificate (BCC) signed by Assistant Engineer, Bhothathankettu.
- ii) Notarised copy of Land documents (Sale Deed) on which the recognition was granted and the land documents of additional Land Survey No. 3539/9B/4, 353/7/1A, 259/8, 359/9A, 359/9B/2/11, 358/1A/17, 359/9B/3/12, 359/10, 359/1A/17 situated at Eramuller Village.

Appeal Committee observed that appellant has failed to establish that BCC submitted pertains to building constructed on Survey number 83/3, 83/4, 83/5, 83/5C, 83/4B, 84/6, 84/7. It is not clear

from the submitted BCC as to where the Building is constructed. BCC is signed by Assistant Engineer but date is not mentioned. It creates doubt for non-existence of building of the appellant institution at the location where initial recognition was granted after inspection of the premises. It is also observed that the appellant institution has shifted the institution without obtaining permission of the SRC as they have submitted Land documents of different survey Numbers.

Noting the submission of the appellant and the circumstances explained above, Appeal Committee decided that the SRC was justified in withdrawing recognition of the appellant Institution and the appeal deserved to be rejected and the order of withdrawal issued by SRC confirmed

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that SRC was justified in withdrawing recognition and therefore, the appeal deserved to be rejected and order of the SRC is confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. **The Principal, Indira Gandhi Training College, 83/3, Nellikuzhi, Kothamangalam, Ernakulam, Kerala-686691**
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 Kerala.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

**APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-17/E-235814/2022 Appeal/3rd Meeting, 2022
APPLSRC202114204**

Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu- 606807 <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. Srinivasan P. (Administrative Officer),
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807** dated 02/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS07706/M.Ed./{TN}/2021/128724 dated 06.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting M.Ed. Course on the grounds that "Vide last reminder letter dated 06.11.2020 the institution was directed to submit the latest staff for both B.Ed. and M.Ed. courses as previously the proforma of faculty was not having date of approval. Vide its letter dated 23.11.2020 the institution had submitted a copy of letter dated 05.07.2017 issued by the Registrar, TTEU regarding approval of only 2

Assistant Professors for Pedagogy subjects. The proforma of these 2-faculty submitted but that is also not having date of approval. The institution failed to submit latest staff list approved by the affiliating body."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Srinivasan P. (Administrative Officer), Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal it is submitted that "We are submitting herewith the latest qualified staff list approved by the Registrar, TTEU Chennai."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for conducting M.Ed. course of one year duration in 2008 and after promulgation of NCTE Regulation, 2014 revised recognition order was issued on 25.05.2015 of the course of two years duration.

The Appeal Committee noted that the appellant institution in reply to last reminder letter had not submitted the complete list of faculty approved by the Affiliating Body in the prescribed Proforma with date of approval of the affiliating University.

Appeal Committee further noted that the appellant alongwith memoranda of Appeal has submitted a letter dated 13.12.2021 issued by Registrar, Tamilnadu Teacher Education University which consists of the approval of latest faculty (1+24 member) for both B.Ed. and M.Ed. course alongwith the proforma containing details of individual faculty duly signed by the Registrar of Affiliating Body on 13.12.2021.

Appeal Committee observed that the appellant institution was not having the latest faculty list approved by the Affiliating Body at the time of issue of withdrawal order as they got the faculty approved on 13.12.2021, which is subsequent to the date of withdrawal order i.e. 06.10.2021.

In the circumstances, Appeal Committee decided that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807
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 Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-18/E-235820/2022 Appeal/3rd Meeting, 2022
APPLSRC2021142203**

Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu- 606807 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. Srinivasan P. (Administrative Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807 dated 02/12/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No F.SRO/NCTE/APS03874/B.Ed./[TN]/2021/128734 dated 06.10.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Vide last reminder letter dated 06.11.2020 the institution was directed to submit the latest staff for both B.Ed. and M.Ed. courses as previously the proforma of faculty was not having date of approval. Vide its letter dated 23.11.2020 the institution had submitted a copy of letter dated 05.07.2017 issued by the Registrar, TTEU regarding approval of only 2

Assistant Professors for Pedagogy subjects. The proforma of these 2-faculty submitted but that is also not having date of approval. The institution failed to submit latest staff list approved by the affiliating body.”

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Srinivasan P. (Administrative Officer), Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal it is submitted that “We are submitting herewith the latest qualified staff list approved by the Registrar, TTEU Chennai.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution was granted recognition for conducting B.Ed. course of one-year duration in 2008 and after promulgation of NCTE Regulation, 2014 revised recognition order was issued on 25.05.2015 of the course of two years duration.

2. Appeal Committee noted that the appellant institution in reply to last reminder letter had not submitted the complete list of faculties approved by the Affiliating Body in the prescribed Proforma with date of approval of the affiliating University.

3. The Appeal Committee further noted that the appellant alongwith memoranda of Appeal has submitted a letter dated 13.12.2021 issued by Registrar, Tamilnadu Teacher Education University which consists of the approval of latest faculty (1+24 member) for both B.Ed. and M.Ed. course alongwith the proforma containing details of individual faculty duly signed by the Registrar of Affiliating Body on 13.12.2021.

3. Appeal Committee observed that the appellant institution was not having the latest faculty list approved by the Affiliating Body at the time of issue of withdrawal order as they got the faculty approved on 13.12.2021, which is subsequent to the date of withdrawal order i.e. 06.10.2021

In the circumstances, Appeal Committee decided that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Grace College of Education, 231/2, 232/2A, Nedungunam, Vandavasi Road, Chetpet, Tiruvannamalai, Tamilnadu-606807
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 Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-20/E-236367/2022 Appeal/3rd Meeting, 2022
APPLSRC202114100**

KLES College of Education Nipani, 131 a1 a2, Nipani, Old Pb Road, Nipani, Belgaum Karnataka-591237 <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. Mahadev S. Baligar (Member Secretary)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **KLES College of Education Nipani, 131 A1 A2, Nipani, Old Pb Road, Nipani, Belgaum Karnataka-591237** dated 22/07/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. APSO2513 (Minutes based) dated 14.07.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institute was informed that the faculty namely MAHANTESH GIRIRAJ and SAHADEV NAMADEV are not qualified as not possessing NET qualification. The institute submitted that they have instructed faculty to clear the NET in two years. The deficiency is not rectified. The institution has submitted xerox copy of the Building Plan in which survey number is not mentioned. The Building Plan shows

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the total built-up area as 2492 square meters and a school is also being run in the same premise. The built-up area is not sufficient for the institutions.*

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Mahadev S. Baligar (Member Secretary), KLES College of Education Nipani, 131 A1 A2, Nipani, Old Pb Road, Nipani, Belgaum Karnataka-591237 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "The faculty namely MAHANTESH GIRIRAJ and SAHADEV NAMADEV have been relieved and in place of them, Dr. CHITRAPRASAD M.D. M.A. M.Ed. Ph.D. and Mr. MURIGEPPA BASAPPA BISANAL, M.Sc. M.Ed. KSET have been appointed as per NCTE norms. Further, recent staff approval is taken from Registrar, RANI CHANNAMMA UNIVERSITY, Belagavi. The Building Plan with signature of competent authority, specifying the Survey Number and duly notarized copy of enclosed. The total built-up area at survey no. 131/A-1 & 131/A-2 is 4659 square meters. The ground floor is given for KLE English Medium School with a built-up area of 1553 square meters as per the state norms. Further, First & Second Floor with built-up are 3106 square meters is exclusively earmarked for KLE B.Ed. College, NIPANI which is sufficient as per the NCTE norms. Affidavit is enclosed."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the recognition to the appellant Institution was granted for B.Ed. course of one-year duration with an annual intake of 100 students and after promulgation of 2014 Regulations revised recognition was issued on 16.05.2015.

Appeal Committee noted that the appellant institution alongwith memoranda of appeal has submitted list of faculties approved by the Registrar of Affiliating Body on 19.08.2021 i.e. subsequent to the decision of withdrawing recognition by SRC in its 400th Meeting. Impugned withdrawal order was not submitted with Appeal Memoranda.

In view of the submission made by the appellant, Appeal Committee observes that as per Clause 8(4) (ii) of NCTE Regulations 2014, a well demarcated land area and exclusive Building for running teacher education course is required. The appellant institution is running the instant B.Ed. course in a School building which is not permissible as per prevailing Norms and Standards. Further some of the faculty are not qualified as per NCTE Regulation, 2014 and its amendment notified in June, 2017.



In these circumstances, the Appeal Committee decided that the SRC was justified in withdrawing recognition, and the appeal deserves to be rejected and withdrawal order issued by SRC confirmed.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded that the SRC was justified in withdrawing recognition. Hence the appeal of the appellant deserves to be rejected and order of withdrawal confirmed.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, KLES College of Education Nipani, 131 A1 A2, Nipani, Old Pb Road, Nipani, Belgaum Karnataka-591237
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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-21/E-236373/2022 Appeal/3rd Meeting, 2022
APPLSRC202114246

Don Bosco College of Education, Chittapur Yadgir, 584, Head post office, ambedkar circle, Chittapur Yadgir, Karnataka-585202 <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	Fr. Augusty TA (Vice Principal)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

INTERIM ORDER :- SEEKING CLARIFICATION

I. GROUND OF WITHDRAWAL

The appeal of Don Bosco College of Education, Chittapur Yadgir, 584, Head Post Office, Ambedkar Circle, Chittapur Yadgir, Karnataka-585202 dated 02.01.2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS03075/B.Ed./{KA}/2021/129711 dated 30.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution was issued a Final Show Cause Notice on 12.10.2020. The institution failed to submit reply to the Final Show Cause Notice (FSCN)."

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II. SUBMISSIONS MADE BY APPELLANT:-

Fr. Augusty TA (Vice Principal), Don Bosco College of Education, Chittapur Yadgir, 584, Head post office, Ambedkar Circle, Chittapur Yadgir, Karnataka-585202 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "We had already responded to the Final Show Cause Notice of 12.10.2020 on 06.11.2020 @ 15.19 time by registered post. (Post (No EK668874768IN IVR 6975668874768) to Regional Director, Southern Regional Committee, NCTE, G-7 sector- 10 (Near Sector- 10 Metro Station), Dwarka New Delhi-110055.) We have not got the acknowledgement of the same too. We have not received any other communication after that from NCTE Southern Regional Committee. We have asked the post office to investigate and see where the post is received by NCTE, and the investigation is on since we have not yet got the acknowledgement. We have not got Form 'A' from bank for the FDR in order to get Form 'A' from bank we need to produce the original FDRs already sent to NCTE. But NCTE has not given us the original FDRs saying that it cannot be handed over to the person but will be sent by post. So far NCTE has not sent us the original of FDRs, for us to procure form a from bank. We have not also got any official communication regarding this matter in the official email ID. We have waited also for getting the official order from NCTE with order number and not got it so far. Hence, we have not failed to reply to the Final Show Cause Notice of 12.10.2020. We have written three times regarding this issue to Southern Regional Committee in our official email Id and got no reply so far. We have also called the regional office several times and got not reply. Please come to the aid of our institution and help us to settle our issue."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the appellant institution in the appeal alongwith memoranda of appeal claimed to have submitted reply to both the Show Cause Notices issued on 06.03.2019 and Final Show Cause Notice on 12.10.2020 by its letter dated 27.03.2019 and 06.11.2020 by Speed Post/Regd. Post enclosing therewith Postal Receipt No. 6975663905052 dated 27.03.2019 and Receipt No. 6975668874768 dated 06.11.2020, respectively. The appellant also sent second reply enclosing therewith additional documents of building plan through Regd. Post of which the Postal Receipt No. 6975662764058 dated 30.03.2019 is also submitted in the appeal.

Appeal Committee considering the above documentary evidences submitted by the appellant in the appeal interinely decided to get the above claim/submissions verified from SRC as to whether the reply to aforementioned SCNs was actually received or not. A copy of letters dated 27.3.2019 and 6.11.2020 need to be forwarded to SRC for the said purpose. The SRC may also get it verified from the Postal Authority the delivery of the documents sent through said Postal Receipt Numbers.

In these circumstances, the appeal committee decided to defer the matter for the next appeal committee meeting and reserves its final decision on the instant appeal till the reply/clarification is received from SRC as indicated above.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to defer the matter for the next appeal committee meeting and reserves its final decision on the instant appeal till the reply/clarification is received from SRC as indicated above.

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


Deputy Secretary (Appeal)

Copy to :-

The Principal, Don Bosco College of Education, Chittapur Yadgir, 584, Head post office, ambedkar circle, Chittapur Yadgir, Karnataka-585202

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.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
 G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT
File No. 89-22/E-236375/2022 Appeal/3rd Meeting, 2022
APPLWRC202214247

Mahesh STC College Barmer, 593/122, Barmer, Langer Road, Barmer Rajasthan-344001 <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. Pradeep Kumar Rathi (Secretary)
Respondent by	Regional Director, WRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF REFUSAL

The appeal of **Mahesh STC College Barmer, 593/122, Barmer, Langer Road, Barmer Rajasthan-344001** dated 03/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. Minutes of 347th meeting of WRC held on 3-5 Dec. dated 03.12.2021 of the Western Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "The institution has not submitted reply to show cause notice dated 19.09.2021 within stipulated time."

AF

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. Pradeep Kumar Rathi (Secretary), Mahesh STC College Barmer, 593/122, Barmer, Langera Road, Barmer Rajasthan-344001 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "The institute submit reply in NCTE office on time dated 30.09.2021 with all documents. We have receiving copy of reply."

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 not enclosed with its appeal Memoranda copy of the impugned refusal order stated to have been issued on 03.12.2021. Appellant has rather enclosed copy of the minutes of 347th Meeting of NRC held on 3rd – 5th December, 2021. From the copy of minutes of 347th Meeting, it transpires that the institution has not submitted reply to the Show Cause Notice (SCN) dated 19.09.2021. Having been signed by Regional Director on 25.09.2021. SCN submitted by appellant is observed to have been issued on 04.10.2021.

2. Appeal Committee noted that appellant with its appeal memoranda has furnished copy of a covering letter dated 22.09.2021 by which it stated to have submitted a sealed packet containing Building Plan, Site Plan, Court Order, Affidavit, initial application, initial rejection order, Payment Demand Draft, proof of resubmission and reply to SCN. Appellant, however, did not submit copies of all these documents before the Appellate Authority. Appeal Committee, in the absence of any concrete evidence which was required to be submitted by appellant to Appellate Authority, decided to confirm the impugned refusal order which stated to have been issued on 03.12.2021.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned refusal order stated to have been issued on 03.12.2021.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Mahesh STC College Barmer, 593/122, Barmer, Langer Road, Barmer Rajasthan-344001
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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-23/E-236430/2022 Appeal/3rd Meeting, 2022
APPLSRC202114033

Jenneys College of Education, 2/67, Ramjee Nagar, Manigandam Road, Tiruchirappalli, Tamilnadu- 620012 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	Mr. G. Hariharan Subramaniam (Administrative Officer)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Jenney's College of Education, 2/67, Ramjee Nagar, Manigandam Road, Tiruchirappalli, Tamilnadu-620012 dated 11/05/2021 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/APS08048/B.Ed./{TN}/395th/2021/124760 dated 10.03.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Deficiency in land document submitted. Institution has not submitted site plan. Institution required to submit "Form A" issued by the respective bank Manager. The institution has not appointed 1 perspective of education, 1 pedagogy subjects & performing arts. The institution has not submitted latest faculty list duly approved by competent authority."

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. G. Hariharan Subramaniam (Administrative Officer), Jenney's College of Education, 2/67, Ramjee Nagar, Manigandam Road, Tiruchirappalli, Tamilnadu-620012 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "Institution land document submitted to NCTE on time. Site plan was submitted on time to NCTE. The institution has submitted "Form A" issued by the respective bank Manager to NCTE on time. The institution has appointed one perspective of education, one pedagogy subjects & performing arts faculty as directed by NCTE, and details have been submitted to NCTE on time. The institution has submitted latest faculty list duly approved by competent authority to NCTE."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that impugned order of withdrawal was issued on 10.03.2021 giving an opportunity to appellant to prefer appeal within 60 days. Appeal Committee further noted that whereas appellant institution preferred online appeal on 11.05.2021, printout i.e. hard copy of appeal was sent to NCTE by a letter dated 15.11.2021. As per extant rules hard copy of appeal is required to be submitted by appellant within 7 days of the online appeal. The present appeal made by appellant is therefore, delayed by about 6 months. Moreover, impugned withdrawal dated 10.03.2021 was made effective from academic session 2021-22 which means that affiliating body was to discontinue affiliation from 2021-22.

2. Appeal Committee decided not to entertain the appeal on grounds of delay in submission of printout (hard copy) of the appeal as per extant rules. Impugned withdrawal order dated 10.03.2021 stands confirmed and operative.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded not to entertain the appeal on grounds of delay in submission of hard copy of the appeal.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Jenney's College of Education, 2/67, Ramjee Nagar, Manigandam Road, Tiruchirappalli, Tamilnadu-620012
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 Tamilnadu.



IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

File No. 89-25/E-236523/2022 Appeal/3rd Meeting, 2022
APPLNRC202214248

K.V.S Sansthan, Baksupur, Sadat, Baksupur, Gata No. 40,42,43, 44,45,47,& 48 Jakhaniya, Ghazipur, Uttar Pradesh-275204 APPELLANT	<u>Vs</u>	Northern Regional Committee, Plot No. G-7, Sector – 10, Dwarka, New Delhi - 110075. RESPONDENT
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Representative of Appellant	Mr. Dharmendra Kumar Yadav (Member of Trust)
Respondent by	Regional Director, NRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of K.V.S Sansthan, Baksupur, Sadat, Baksupur, Gata No. 40,42,43, 44,45,47,& 48 Jakhaniya, Ghazipur, Uttar Pradesh-275204 dated 13/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.NO. NRC/NCTE/NRCAPP-2832/2015/95331-336 dated 09.07.2021. of the Northern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "Institution has not submitted reply of first Show Cause Notice dated 09.11.2020. Institution has not submitted the reply of final Show Cause Notice dated 22.02.2021. The institution is deficient on i) latest faculty list, ii) Detail of the salary disbursed to faculty, iii) Copied of valid fixed deposit receipts, iv) Download copies of documents from the website of the

Mr

institution with the hyperlinks, v) Building Completion Certificate signed by the Competent Authority.”

II. SUBMISSIONS MADE BY APPELLANT:-

Mr. Dharmendra Kumar Yadav (Member of Trust), K.V.S Sansthan, Baksapur, Sadat, Baksapur, Gata No. 40,42,43, 44,45,47,& 48 Jakhaniya, Ghazipur, Uttar Pradesh-275204 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal Memoranda it is submitted that "Because the institution has not received the Show Cause Notice dated 09.11.2020. Because the institution has not received the Show Cause Notice dated 22.02.2021. Because appellant institution is well established institution and is having adequate qualified faculties for conducting B.Ed. course. The faculties and Staff of the institution are being regularly paid their salaries through Account Payee Cheques. Latest faculty list as per NCTE Regulation 2014 is also being submitted for the kind perusal and consideration. That the appellant institution is well established institution and is having adequate qualified faculties for conducting B.Ed. course. The faculties and Staff of the institution are being regularly paid their salaries through account payee cheques. The salary statement of the faculty is attached with appeal memorandum for the kind perusal and the consideration. That it is also pertinent to mention here that in compliance of the NCTE Regulations, 2014 the appellant institution, the institution is having FDR No. 625104 of Rs. 5,00,000/- and FDR No.625103 of Rs. 7,00,000/- in the in the joint name. Copies of the FDR is submitted with appeal memorandum for the kind perusal and consideration. The institution is also having its own website. Download copies of documents from the website of the institution with the hyperlinks is attached with appeal memorandum. That the appellant is having adequate financial resources, accommodation, land, library and laboratory as prescribed in the norms and standards and fulfils all such other conditions relating to infrastructural facilities as required for proper functioning of the institution for the purpose of teacher education course. copy of Building Completion Certificate signed by the Competent Authority is attached with appeal memorandum for the kind perusal and consideration.”

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that the Hon'ble Supreme Court of India Civil Original Jurisdiction Miscellaneous Application No. 21 of 2022 in Miscellaneous Application No. 665 of

2021 in SMW(C) No. 3 of 2020 in Re: Cognizance for Extension of Limitation with Miscellaneous Application No.29 of 2022 in Miscellaneous Application No. 665 of 2021 in SMW(C) No. 3 of 2020 vide Order dated 10.01.2022 directed as under:

The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with longer period shall apply. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Court Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

2. In view of the directions of Hon'ble Supreme Court of India quoted above, Appeal Committee decided to take-up the case notwithstanding the limitation period to prefer appeal.
3. Appeal Committee noted that copy of impugned order of withdrawal stated to have been issued on 09.07.2021 has not been furnished by appellant institution. The reasons for issue of impugned withdrawal order dated 09.07.2021 are non-submission of reply to the two Show Cause Notice dated 09.11.2020 and 22.02.2021. By issue of these two Show Cause Notices the appellant institution was required to submit to NRC the faculty list, salary disbursement evidence, FDRs, building Completion Certificate and downloaded copies of website. Appeal Committee



also noted the submission made by appellant institution with regard to non-receipt of the Show Cause Notices as well as the impugned order of withdrawal. From the documents submitted by appellant with its appeal memoranda Appeal Committee noted that list of faculty submitted was approved on 22.12.2021. Also, appellant institution has preferred appeal enclosing therewith copies of the minutes of NRC 336th – 337th Meeting. Being aware of the procedural aspects the appellant institution was required to submit to NRC the list of faculty duly approved by affiliating body immediately on knowing that recognition was contemplated to be withdrawn in the meetings of Regional Committee as was evident from the minutes of the meeting of NRC.

4. Appeal Committee decided to confirm the impugned order of withdrawal dated 09.07.2021 on grounds of non-submission of reply to the Show Cause Notices and required qualified faculty approved by the Affiliating Body.

IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 09.07.2021.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, K.V.S Sansthan, Baksapur, Sadat, Baksapur, Gata No. 40,42,43, 44,45,47,& 48 Jakhaniya, Ghazipur, Uttar Pradesh-275204
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.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-26/E-236867/2022 Appeal/3rd Meeting, 2022
APPLSRC202114249**

Vallalar College of Education, No. 3A, 2A Melmuttukur Village, Chettikuppam Post, Karthikeyapuram, Melapatti Road, Gudiyttam, Vellore, Tamilnadu-635806 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. A. Madhavamoorthy (Director)
Respondent by	Regional Director, SRC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of Vallalar College of Education, No. 3A, 2A Melmuttukur Village, Chettikuppam Post, Karthikeyapuram, Melapatti Road, Gudiyttam, Vellore, Tamilnadu-635806 dated 17/01/2022 filed under Section 18 of NCTE Act, 1993 is against the Order No. F.SRO/NCTE/SRCAPP1947/B.Ed./[TN]/2021/129749 dated 30.12.2021 of the Southern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution failed to submit latest Staff list duly approved by the Registrar of the affiliating body as per the prescribed Format. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. The

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institution did not submit proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. The Website of the institution is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Sh. A. Madhavamoorthy (Director), Vallalar College of Education, No. 3A, 2A Melmuttukur Village, Chettikuppam Post, Karthikeyapuram, Melapatti Road, Gudiyttam, Vellore, Tamilnadu-635806 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "A True Copy of the Latest staff list duly approved by the Registrar of Tamilnadu Teachers Education University, Chennai in the prescribed format. Details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. Proof of disbursement of salary to faculty & non-teaching staff through bank account as required under clause 10(2) of NCTE Regulations, 2014. Screen shot of the 1st page of website of the institution uploaded with the information required under clauses 7(14)(i) and 10(3) of NCTE Regulations 2014."

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 reply dated 23.03.2020 to the Show Cause Notice dated 06.03.2020. Appeal Committee observes that when impugned order is on the ground that appellant institution has not submitted documents wanted in the case and the institution contends that it has furnished the required documents well on time, onus lies on the appellant to submit acceptable evidence of having submitted the documents. In the instant case appellant has not been able to convince the Appellate Authority of its averment and stand. Appeal committee, therefore, decided to confirm the impugned withdrawal order.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 30.12.2021.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, Vallalar College of Education, No. 3A, 2A Melmuttukur Village, Chettikuppam Post, Karthikeyapuram, Melapatti Road, Gudiyttam, Vellore, Tamilnadu-635806
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 Tamilnadu.



**IN THE NCTE APPELLATE AUTHORITY
NATIONAL COUNCIL FOR TEACHER EDUCATION (NCTE)
G-7, Sector-10, Dwarka, New Delhi – 110075**

DATE: 18/04/2022

APPEAL FILED UNDER SECTION 18 OF NCTE ACT

**File No. 89-29/E-238813/2022 Appeal/3rd Meeting, 2022
APPLERC202013805**

College of Teacher Education, Saharsa (Govt. Teachers Training College), Plot No-08, Kachahari Road, Kahara, Saharsa Bihar-852201 APPELLANT	<u>Vs</u>	Eastern Regional Committee, Plot No. G- 7, Sector – 10, Dwarka, New Delhi - 110075. <u>RESPONDENT</u>
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Representative of Appellant	Dr. Imtiyaz Alam (Principal)
Respondent by	Regional Director, ERC
Date of Hearing	23/03/2022
Date of Pronouncement	18.04.2022

ORDER

I. GROUND OF WITHDRAWAL

The appeal of **College of Teacher Education, Saharsa (Govt. Teachers Training College), Plot No-08, Kachahari Road, Kahara, Saharsa Bihar-852201** dated 13/11/2020 filed under Section 18 of NCTE Act, 1993 is against the Order No. ERC-63032 dated 15.09.2020 of the Eastern Regional Committee, withdrawing recognition for conducting B.Ed. Course on the grounds that "The institution failed to submit latest Staff list duly approved by the Registrar of the affiliating body as per the prescribed Format. The institution did not submit details of administrative and professional staff as required under clause 5.3 of Appendix 4 of NCTE Regulations, 2014 for B.Ed. course. The institution did not submit proof of disbursement of salary to faculty & non-teaching staff

through bank account as required under clause 10(2) of NCTE Regulations, 2014. The Website of the institution is not uploaded with the information required under clause 7(14)(i), 8(14) and 10(3) of NCTE Regulations, 2014."

II. SUBMISSIONS MADE BY APPELLANT:-

Dr. Imtiyaz Alam (Principal), College of Teacher Education, Saharsa (Govt. Teachers Training College), Plot No-08, Kachahari Road, Kahara, Saharsa Bihar-852201 appeared online to present the case of the appellant institution on 23/03/2022. In the appeal memoranda it is submitted that "Original list of teaching faculty duly approved by the concerned affiliating body has processed for submission. Blueprint of building plan (bp) mentioning details of PLOT NO / KHASRA NO / TOTAL land area, total built up area etc. Duly approved by Govt. engineer has processed for submission. Building plan and Building Completion Certificate after correction the floor wise and total built up area has proposed for submission. Latest Building Completion Certificate (BCC) duly signed by the competent authority has for submission. Fire safety certificate duly signed by the govt. competent authority has processed for submission. Institution website has updated as per clause 7(14) (I) of NCTE Regulation, 2014."

III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. Appeal Committee noted that appellant with its appeal Memoranda has not enclosed copy of impugned withdrawal order which is stated to have been issued 15.09.2020. Appeal Committee further, noted that appellant institution is an institution under the aegis of Government of Bihar and where recognition stands withdrawn on six deficiencies most important of which was non-submission of original list of teaching faculty approved by affiliating body.

2. Appeal Committee noted that withdrawal order dated 15.09.2020 was justified as appellant had failed to submit to ERC the list of faculty in original with approval letter of affiliating University. The list of faculty now submitted with appeal memoranda is signed by Vice Chancellor on 16.12.2021 making it evident that this list could not have been sent to ERC before a date on decision was taken to recall recognition.

3. Appeal Committee noted that copies of other documents such as Building Plan, Building Completion Certificate etc. submitted by appellant institution are neither legible nor authenticated. Appeal Committee, therefore, decided to confirm the impugned order of withdrawal stated to have been issued on 15.09.2020.



IV. DECISION:-

After perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the online hearing, Appeal Committee of the Council concluded to confirm the impugned order of withdrawal dated 15.09.2020 issued by ERC.

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


Deputy Secretary (Appeal)

Copy to :-

1. The Principal, College of Teacher Education, Saharsa (Govt. Teachers Training College), Plot No-08, Kachahari Road, Kahara, Saharsa Bihar-852201
2. The Secretary, Ministry of Education, Department of School Education & Literacy, Shastri Bhawan, New Delhi
3. Regional Director, Eastern Regional Committee, Plot No. G-7, Sector-10, Dwarka, New Delhi – 110075.
4. The Secretary, Education (looking after Teacher Education) Government of Bihar.